

KERN COUNTY PESTICIDE USE ENFORCEMENT (PUE) MULTI-YEAR WORKPLAN FOR 2024/2026

PESTICIDE USE ENFORCEMENT RESOURCES:

Personnel

- 10 full time Agricultural Biologists assigned to PUE @ 100%.
- 1 full time Supervising Agricultural Biologist @ 100%
- 1 Deputy Director @ 93%
- 5 of our Agricultural Biologists are bilingual in Spanish and are compensated by the County of Kern for their bilingual skills.
- All staff is centrally located in our Bakersfield Office and report directly to the Supervising Agricultural Biologist and Deputy.
- Each of our PUE staff is fully licensed and trained with experience ranging from 1 to 17 years.
- Each PUE Biologist is a subject matter expert in one or more areas of pesticide use enforcement.

Additional Assets:

- Each PUE Biologist and Supervisor has an iPad assigned for field use to access CalPEATS and CalAgPermits. Each iPad setup has portable keyboard, stylus, and stand for increasing productivity of in-field activities.
- Each PUE Biologist and Supervisor has an assigned County work vehicle (SUV) for their exclusive use to conduct in-field pesticide use enforcement activities.
- Each PUE Biologist has a cellular telephone assigned for his/her exclusive use and to assist in availability.
- The PUE Supervisor and Deputy each have a cell phone for their exclusive use.
- Each PUE Biologist, Supervisor, Deputy and clerical employees have a dedicated computer workstation with individual email and internet access.
- In addition, we have a PUE duty workstation and 5 dedicated workstations for permit issuance. (Permits can also be issued at each person's individual workstation when needed)
- Two complete pesticide sampling kits, which include all required sampling supplies, investigative sampling procedures, and safety equipment. All equipment is sanitized after use, as appropriate.

CORE ENFORCEMENT PROGRAM

A. Restricted Materials Permitting

Goal

- Protect the people of Kern County in occupational and non-occupational settings and their environment, while allowing safe and effective pest control operations through its Restricted Materials Permitting process. Kern County will do this by effectively evaluating permitted sites, pesticides applied and the surrounding environment to determine the likelihood of adverse impacts and require feasible alternatives and/or other mitigation measures to be used to prevent those possible impacts when necessary.

Current Status (per year)

- Restricted Material Permits – 800
- Operator ID's - 205
- Notices of Intent – 7,300
- Total Agricultural Production Sites Issued – 14,250

Permit Issuance and Review Process

Permit Issuance

- Restricted Material Permits are issued for one year or less to the operator of the property to be treated. Permit sites are evaluated prior to the issuance of the permit utilizing our Geographic Information System (GIS) with an automatic check for sensitive areas. Kern County does not issue multi-year permits so that PUE biologists can sit with property owners/operators each year to discuss any pertinent changes to their permits and to update contact information as necessary.
- Each site to be issued is identified in GIS to the field level using aerial imagery and prior year site boundaries. Residential areas, schools, churches, waterways, parks, and other sensitive areas are noted on permit maps we produce using GIS to assist in evaluating sites to determine if a substantial adverse impact may result from restricted material applications. Surrounding crops are updated on a daily basis. Feasible alternatives to restricted pesticides are considered and implemented when appropriate.
- PUE biologists perform sensitive area mapping each year along the urban/agricultural interface to capture any new sensitive areas, such as residential areas, businesses, schools, etc. Any revisions or additions of sensitive areas, sites, and/or boundaries are indicated on printed aerial maps. These maps are then provided to the County GIS manager to integrate into our mapping program and layers that are used for permit issuance. Yearly surveillance assures that sensitive areas are routinely identified and efficiently incorporated in our mapping system to better assess proposed pesticide applications and to assure Kern County has one of the most reliable mapping systems in the state.
- The Biologists ensure that permit applicants are qualified and have met the requirements to hold a restricted materials permit. Private applicators and qualified applicators are verified and indicated on the permit. If the operator of the property is not available to sign the permit, the authorized representative is allowed to sign with the proper documentation giving him or her authority to do so.
- Permits are issued using the statewide CalAgPermits System, which allows instant online

access to permits.

- Permits are issued by licensed and qualified staff whose experience ranges from 1 to 17 years in the area of pesticide use enforcement.
- From late-November through the beginning of February, as many as eight PUE Biologists are assigned to the office to handle permit issuance. Kern County requires operators to schedule appointments for permit issuance to increase the efficiency of our PUE biologists assigned to permit issuance and to promote good customer service.
- Non-agricultural permits are currently issued to the Property Operator or Pest Control Businesses subsequent to a review by a county Biologist who determines if their activities come under the umbrella of a non-agricultural situation.
- Annual training on the policies and procedures used to issue permits and to properly identify sites is given by the PUE Deputy, Supervising Agricultural Biologist and/or the DPR Enforcement Branch Liaison.

Notice of Intent (NOI's)

- Notices of Intent (NOI's) are recorded on the appropriate form and are received electronically, via fax, voice mail and walk-ins. A minimum of one PUE Biologist is assigned to the office on a daily basis. This PUE office duty person reviews all NOI's for accuracy and completeness using specific GIS sensitive area tools. They are then assigned to the appropriate geographical "area". The county is divided into four "geographical areas" and PUE Biologists are assigned to each of these areas. PUE Biologists also perform weekend and Holiday duty to ensure timely review of NOI's.
- Kern County maintains a 48 Hour Notice of Intent Requirement to Apply Restricted Materials (some fumigants have additional time requirements) to increase the protection of applicators, agricultural workers and the public.

NOI/Site Monitoring

- The PUE Biologists assigned to the four geographical areas within the county review the NOI's and determine which of the proposed applications are in need of pre-application inspection. This decision is based on many factors such as the surrounding environment, distances to sensitive areas (residential areas, schools, parks, etc.), historical complaint areas, application method (air/ground), pesticide formulation (fumigant, liquid, dust), pesticide used, commodity, and applicator.
- Kern County utilizes an internally developed Crop Map system which can be accessed via website, 24-hours a day to thoroughly evaluate each proposed application site. The data that can be viewed within the mapping system includes, but is not limited to, current crop data, sensitive areas and their associated buffer zones, and aerial imagery.
- Pre-application site inspections are performed on a minimum of 5% of notices of intent received.
- All fumigant applications are given priority for pre-site inspection due to the complexity of these types of applications, and nearly all these applications are inspected to assure the buffer zones are both accurate and adequate, and that other mitigating conditions (County Permit Conditions) are being complied with.
- Pre-site aerial applications of any restricted material near sensitive areas.
- Pre-site cotton defoliation applications near sensitive areas.

- Permit conditions were updated for Chloropicrin, Metam (Sodium/Potassium), Telone (1,3-Dichloropropene) and General Permit Conditions to include New School Notification Requirements and Use Restrictions for Pesticide Use Near School sites.

Planned Improvements

- Kern County will continue to utilize their unique GIS to evaluate permitted sites.
- Annual survey to update sensitive area layer on GIS and document environmentally sensitive areas on permit maps.
- Continuous review of GIS sensitive area layer during pre-site and other inspections.
- Continue emphasis and promotion of online submission of Pesticide Use Reports.
- Review and Update Permit Conditions continuously and update as needed in order to mitigate adverse effects from pesticide use while allowing for safe and effective pest control. Permit Conditions will also be updated for fumigant pesticides as new regulations go into effect, in order to meet state compliance for the use of these materials.

Measures of Success

- Kern County will continue to conduct routine internal review of issued permits for discrepancies or errors and will provide the appropriate training to staff when issues arise.
- Continue to work with the Department of Pesticide Regulation (DPR) Enforcement Branch Liaison (EBL) assigned to Kern County on issues involving permit issuance and site evaluation to ensure that Kern County meets all the requirements during the evaluation process on this core requirement.
- Kern County will continually review GIS site/crop information to ensure we have the most accurate information available.
- According to the California Department of Public Health's "Agricultural Pesticide Use Near Public Schools" study, 99.4% of the pesticide use report data from 2014 could be linked to a specific location using the Kern CAC's GIS mapping program. We believe we have the most accurate crop location information in the state.

B. Compliance Monitoring

Goal

- To measure the regulated community's compliance with pesticide laws and regulations and take appropriate action when violations are discovered to reduce these incidents and ensure the safety of people and the environment.
- To investigate any and all allegations of pesticide misuse and violations, and look into inquiries from concerned citizens to determine if pesticides are being used safely and in compliance with all current laws and regulations.

Current Status (per year)

- Pre-Application Site Inspections—825
- Pesticide Use Monitoring Inspections—150
- Pesticide Mix-Load Inspections—25
- Field Worker Safety Inspections—55
- Records Audits—150
- Structural Inspections—44

- Percent Compliance for all inspections—91%
- Investigations—89
- Pest Control Business, Advisor, Pilot, Farm Labor Contractor and Structural Pest Control Registrations—1,250

Comprehensive Inspection Plan

- Pesticide Use Monitoring inspections are conducted on Property Owner/Operators (Growers), Pest Control Businesses and other pesticide users. We prioritize these inspections based on our experience with compliance and the potential hazard posed by the application. Method of application, pesticide being applied, compliance history of the applicator, proximity to sensitive areas and other criteria guide our decision to inspect. We prioritize the inspections of Restricted Materials, as these types of materials generally have more use restrictions associated with them, such as supervision and/or certification requirements due to toxicity and/or environmental concerns.
- Field Worker Safety inspections are conducted only in fields where there have recent pesticide applications (within the past 30 days). This concentrates our resources on fields with the highest possibility of hazard. We also consider proximity to other treated fields, compliance history of the employer and the potential for fieldworker exposure to treated surfaces.
- Records Audits and headquarter inspections are conducted as a follow-up for all inspections where violations are noted. Additionally, we audit pest control businesses, pest control dealers and pest control advisors every third year. All non-agricultural permits are inspected each year for compliance.
- All PUE biologists, conducting inspections, will follow inspection procedures outlined in DPR's Volume 4 Compendium—Inspection Procedures Manual.
- The Supervising Agricultural Biologist will review all inspection reports for accuracy and completeness ensuring all applicable inspection criteria is addressed and that all current laws and regulations are being followed.
- Staff meetings are routinely scheduled to provide coordination, dissemination of new information and training of staff on any issues that may need attention. Daily morning briefings ("tailgate meetings") are held amongst staff to discuss any relevant issues or concerns as it relates to pesticide use enforcement.

Comprehensive Investigation Plan

- We will follow the Kern County Hazardous Material Incident Response Plan and develop an individual investigation plan in response to each alleged incident.
- All investigations will comply with DPR's Investigation Procedures Manual.
- We will exceed DPR's established standards for beginning non-priority investigations.
- DPR's established standard for beginning priority investigations is that all priority investigations will be initiated as soon as possible and within 48 hours of notification. We will begin all priority investigations as soon as possible and within 24 hours of notification.
- The Supervising Biologist will assign all reports/complaints to be investigated by a specific biologist(s).
- The assigned biologist(s) will thoroughly investigate all allegations and reports of violations or concerns related to pesticide use.
- The assigned biologist(s) will consult with the Supervising Biologist and/or Deputy during each investigation to discuss information discovered and/or issues of the case to determine if the

individual investigation plan needs to be revised.

- The assigned biologist (or lead biologist) will complete a Pesticide Episode Investigation Report that addresses all of the allegations or concerns involved with the complaint or inquiry.
- An extensive review program conducted by the Supervising Biologist and Deputy will ensure reports are prepared in a complete and thorough manner.
- We will follow the DPR timelines for completion of investigations, including requesting extensions when necessary.
- We will use the “Responding to Non-Occupational Pesticide Use-Related Exposure Episodes” guidance documents for those incidents that meet SB 391 criteria.

Planned Improvements

- Continue to target pre-application site inspections on soil fumigants (1,3-Dichloropropene, Metam Sodium/Potassium, and Chloropicrin) which historically have been the source of some of our most serious incidents.
- Increase use monitoring inspections of soil fumigants and aerial applications which have a potential to create serious incidents and extra public scrutiny.
- Continue to improve inspection presence and compliance in areas with a history of non-compliances.
- Increase the number of paraquat inspection to assess adequate use and training requirements have been met.
- Continue to conduct surveillance activities and use monitoring inspections on Maintenance Gardeners that use pesticides incidental to their business. This part of the regulated community is required to be qualified and licensed to do this work. In Kern County and Statewide this segment of the regulated community has a poor rate of compliance with licensing and other requirements.

Measures of Success

- Continue to maintain an overall compliance rate of 90% or above for all inspections conducted.
- An increase in the number of fumigation and aerial application inspections completed.
- Continue to work with DPR’s EBL during oversight inspections and investigation evaluations to ensure that Kern County meets and exceeds all the requirements during the evaluation process on this core requirement.
- Increase the number of paraquat inspections and to evaluate training and certification requirements for handlers using paraquat.
- Increase the number and percent (%) of licensed and registered Maintenance Gardeners in Kern County.

C. Enforcement Response

Goal

- To protect the public and environment of Kern County by taking fair and appropriate action in a timely and effective manner when pesticide law or regulation violations are discovered. These appropriate actions will deter the regulated community from committing pesticide violations in the future.

Current Status (per year)

- Agricultural Civil Penalties - 51
- Structural Civil Penalties - 5

- Cases Referred to DPR or District Attorney - 2
- County Registration Actions - 0
- Violation Notices – 58

Enforcement Response Plan

- Each PUE Biologist performs their own inspections and investigations, writes up the corresponding reports and prepares a complete file with any supporting documentation.
 - Each violation discovered will be documented with a Notice of Violation (NOV) issued by the inspecting or investigating biologist.
 - An NOV serves as a Compliance Action that is issued to a violator of pesticide laws or regulations and describes all violations that were discovered during an investigation and/or inspection.
 - The Supervising Biologist ensures each inspection or investigation that documents a violation is accompanied by an NOV to be issued to the violator.
 - The Supervising Biologist along with the inspecting or investigating biologist will determine the “Class” of each violation discovered.
 - All Compliance and Enforcement Action decisions will be based on the “Violation Class” and 3 CCR Pesticide Enforcement Response regulations.
 - The compliance history of each entity violating laws or regulations will be considered when determining if Enforcement Action should be taken, and if so, at what level.
 - Repeat violations warrant a more severe action or penalty.
 - The compliance history for each permit holder, PCA, PCB, etc. will be maintained in a separate “compliance file” to facilitate timely and complete review of each entity’s compliance history.
 - Compliance history is maintained for five years.
 - Kern County will monitor each incident investigation and NOV issued to ensure that we take Compliance Action and/or Enforcement Action in a consistent and uniform manner that meets 3 CCR Pesticide Enforcement Response regulations.
 - Kern County will always take an Enforcement Action when required by 3 CCR Pesticide Enforcement Response regulations.
 - Kern County may take Enforcement Action when allowed by the 3 CCR Pesticide Enforcement Response regulations, even if it is not required.
 - Kern County may choose not to take Enforcement Action when allowed by 3 CCR Pesticide Enforcement Response regulations.
 - Consistency, quality control and compliance with 3 CCR Pesticide Enforcement Regulations is assured through extensive review by the Supervising Biologist, PUE Deputy and Agricultural Commissioner.
 - Kern County will match an appropriate response to each violation discovered to ensure sustained compliance in the future while meeting the requirements of 3 CCR Pesticide Enforcement Regulations.
 - Kern County provides its District Attorney an opportunity to participate in priority investigations and/or pursue a civil or criminal action when a violation(s) are discovered during those priority investigations, and again at the completion of the investigation.
 - Kern County will monitor each incident investigation and write-up to ensure that we meet DPR established timelines for completion of all required actions.
- Through training and conferring with our assigned DPR Enforcement Branch Liaison, Kern County will strive for appropriate, consistent and uniform enforcement when pursuing an

Enforcement Action on cases.

Planned Improvements

- Kern County is pleased with the status and effectiveness of their current Enforcement Response Plan and at this time has no plans to change it.

Measures of Success

- Continue to work with DPR's EBL during this core program evaluation process to ensure that Kern County meets all the requirements of 3 CCR Pesticide Enforcement Regulations.
- Continue an overall compliance rate of around 90% or above for all inspections conducted, and reduce the number of violations alleged and/or discovered during investigations.
- Kern County will strive to complete all inspections, investigations, and enforcement responses in a timely and effective manner, adhering to DPR timelines of completion where applicable.

KERN COUNTY PRIORITIES & OTHER PESTICIDE REGULATORY ACTIVITIES

A. 48 HOUR NOTICE OF INTENT REQUIRED TO APPLY RESTRICTED MATERIALS IN KERN COUNTY

For all Notices of Intent (NOI) to apply restricted materials in Kern County, the Kern County Department of Agriculture and Measurement Standards will notify adjacent growers of applications of Restricted Materials requiring a Notice of Intent (NOI). Growers proposing applications of Restricted Materials in Kern County will be provided with information regarding their agricultural neighbors. Notices of Intent to apply Restricted Materials in Kern County must be submitted, at a minimum, 48 hours prior to the proposed application (some fumigants require longer NOI times). The purpose of providing this information to adjacent agricultural neighbors is an attempt to increase communication and mitigate pesticide related incidents, especially in regard to agricultural workers.

Goal

- Increase the level of communication between members of the agricultural community of Kern County, with the intent of reducing the risk of pesticide drift exposure to agricultural workers.

Current Status (per year)

- NOIs to be reviewed/entered – 7,500
- Notices emailed (excluding Denied NOIs) – 7,125+
- Data Transmitted – daily

Countywide 48 Hour Notice of Intent to Apply Restricted Materials in Kern

- This permit condition is designed to provide growers with information regarding nearby pesticide applications so that they can coordinate with the applicator to ensure there are no conflicts involving field workers and their proximity to pesticide applications.
- It encompasses all of Kern County.
- Requires 48-hour Notice of Intent for production agriculture restricted material applications in Kern County.

- Consists of an active notification administered by the Kern CAC.
- When a Notice of Intent for the use of a restricted material in production agriculture is submitted, the Kern CAC notifies adjacent permittees utilizing existing Permit information and GIS database.
- Agricultural neighbors are notified through an emailed GIS permit map of the applications adjacent to their property along with contact information.
- The Kern CAC also sends the permittee who submitted the NOI a list of the adjacent permittees whom the commissioner has notified along with their contact information.
- Staff is present 365 days a year to input data from NOIs.

Planned Improvements

- Additional hardware upgrades may be required in the future to facilitate notifications and to maintain efficiency of digital infrastructure.

Measures of Success

The number of incidents involving field workers and nearby applications has decreased significantly since this notification was implemented and we expect this trend to continue into the future.

B. KERN RURAL EMERGENCY DATABASE (KERN RED)

Goal

- To provide emergency responders with grower, crop and treatment information via the internet when 911 dispatches to rural areas of Kern County in order to reduce the effects of any possible pesticide incident.

Kern RED Details

- Website that includes Kern County's GIS information related to crops and growers to emergency responders.
- Emergency responders can select a site on a web-based GIS map to gain the growers name, contact information, known associated contacts (PCAs, PCBs, Dealers, etc.), likely chemicals applied and general information on those pesticides.

Planned Improvements

- Improvement of internal infrastructure may need to be addressed depending on volume of spatial and contact data that comprises the system.
- Spatially locate every Notice of Intent on our Kern RED Notification system.
- Continued outreach and training for emergency responders.
- Improved authentication and safety procedures to ensure access by CAC staff and vetted emergency responders.

Measures of Success

A more informed emergency response system that can effectively manage pesticide related incidents in a timelier manner whenever they may occur.

C. PESTICIDE EDUCATION AND OUTREACH

Goal

- To protect the public and environment of Kern County by educating the regulated community so that they have the knowledge to comply with pesticide laws and regulations.

To provide the most current and the best information available to assure safe work practices are being followed.

- To reach out to community organizations and the public to foster an atmosphere of open dialogue and transparency related to pesticide issues.

Examples of Pesticide Education and Outreach

- 16 continuing education presentations per year (in English and Spanish) aimed at private applicators and growers.

- Presentations at other organizations' (CAPCA, PAPA, CAAA, AgSafe, UCCE, etc.) events to provide continuing education to the regulated community.

- Presentations at the Annual Fieldworker Appreciation Day (Spanish).

- Member of Kern County's Spray Safe Committee and presenter at Spray Safe's annual event.

This event promotes communication between growers and their neighbors, the public and their employees and preaches the attributes of employee empowerment and safety first.

- Member of the Central California Environmental Justice Network's IVAN task force that connects community organizations, non-profits and local regulators to assist us in an understanding of the public's concerns and to inform the public of our role in pesticide use enforcement.

- Coordinating trainings and meetings with other County agencies that the CAC may work with when responding to a pesticide related incident in order to discuss roles, responsibilities and to foster cooperation between agencies. Other County agencies include: Environmental Health, Fire Department, and District Attorney.

Planned Improvements

- Keep an open-door policy to interact with the regulated community and applicable stakeholders, cooperating agencies, community organizations and the public. Continue to promote transparency and trust with the regulated community and other stakeholders.

Measures of Success

- Maintain a relatively high rate of compliance (90% +) with pesticide laws and regulations while fostering an open relationship with other agencies and the public.

D. OTHER PESTICIDE REGULATORY ACTIVITIES

Kern County is also involved in the following Pesticide Regulatory Activities.

- **Non-fumigant Volatile Organic Compound (VOC) regulation compliance.**

- Kern County has been active educating the regulated community about the requirements of these regulations and ensuring that these regulations are complied

with during our compliance monitoring program.

- As non-fumigant VOC prohibitions take effect each year, Kern County will continue outreach efforts and monitor for compliance.

- **Fumigant label and regulation changes.**

Kern County will continue to provide outreach and monitoring to ensure Fumigant VOC Regulations, fumigant labeling and Permit Conditions for these fumigants are complied with.

- Kern County has already adopted many of the soil fumigant mitigation measures proposed into our permit conditions even before suggested permit conditions are finalized.

- **Second Generation Anti-Coagulant Rodenticide (SGAR) regulation compliance.**

- Kern County has been active educating SGAR users about the requirements of these regulations and ensuring that these regulations are complied with.
- Kern County assesses SGAR compliance during permit issuance and renewal to verify that the conditions of use are in compliance with current laws and regulations governing SGAR use.

- **Bee/pollinator incidents associated with pesticides.**

- Kern County participates in forums and trainings related to Bee and Pollinator Protection and works with DPR on related investigations and issues.
- Kern County utilizes the statewide BeeWhere program for beekeeper registrations and pinning the locations of beehives present in Kern County.
- Kern County is Citrus Bee Protection regulated County and works with the citrus and bee keeping industries to ensure compliance and understanding of requirements.
- Kern County Board of Supervisors approved a bee ordinance to allow fining authority related to violations of code sections related to beehive registration, identification and location.

- **Schools.**

- Kern County is actively involved with outreach and continuing education at school sites and to school employees to ensure our children are safe.
- Kern County prohibits applications of Restricted Materials requiring a permit within ¼ mile of schools in session or with activities taking place at the school. Kern County enforces various other permit conditions and label requirements involving schools.
- Kern County permit conditions include the New School Notification Requirements and Use Restrictions for Pesticide Use Near School site. Kern County participates in education and outreach to the regulated community about the requirements of these regulations and ensuring that these regulations are complied with.

- **Residential Pesticide Monitoring.**

- Kern County is dedicated to monitoring use of pesticides in residential areas. We conduct a variety of structural inspections, monitor applications made by the landscape industry, maintenance gardeners and investigate any complaints or concerns involving pesticide use in these areas.

- Kern County enforces permit conditions and other requirements to protect people from pesticide applications made near residential areas.
- **Staff Training**
 - Kern County continuously trains their staff on laws, regulations, policies and procedures involved in pesticide use enforcement. Kern County supplies their employees with all the Pesticide Use Enforcement Program Standards Compendiums and welcomes training from DPR on all subject matter.
- This is a list of some of the Pesticide Regulatory Activities currently being conducted by Kern County. We conduct many additional activities that fall under our authority and/or discretion which are not mentioned here.



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