



County of San Diego

Department of Agriculture/Weights & Measures

Pesticide Regulation Program

Negotiated Work Plan

2023 and 2024

Pesticide Regulation Program Negotiated Work Plan 2023 and 2024

Introduction

San Diego county is unique in many ways:

- The county covers a geographic land area of 4,210 square miles with a population of 3.3 million residents.
- Varied topography creates a wide fluctuation of microclimates resulting in nearly 30 different types of vegetation communities. This diversity allows San Diego growers to produce more than 200 different agricultural commodities - from strawberries along the coast, to apples in the mountain areas, and citrus in the desert.
- The county has the 5th highest population among counties in the United States and the 13th largest agricultural economy in California.
- Our farmers rank number one in California in the production value of ornamental nursery products.
- Statewide, the county is among the top five counties for production of nursery products, flowers and foliage, squash, lemons, avocados, chickens, oranges, and grapefruit.
- Our farmers produce more than 30 crops which are valued in excess of \$1 million dollars each.
- The San Diego region has 5,082 farms, more than any other county with a median size being just five acres. This abundance of small farms is unique to the San Diego region and results in ag-urban interface issues that underscore the County Agricultural Commissioners (CAC) need for vigilance to ensure safe and legal pesticide use.

Thousands of fieldworkers are employed in the San Diego region year-round. Fieldworker health and safety are a priority for the Pesticide Regulation Program (PRP), with the program conducting annual fieldworker training for the last 20 years.

The San Diego region has a large structural pest control industry. Over 423 structural pest control businesses (SPCB) are registered in the county. Of those, 30 SPCBs performed an average of 17,750 structural fumigations in 2021 and 2022.

The San Diego region has a large landscape maintenance pest control business (MGPCB) industry with approximately 82 MGPCBs registered. In addition, more than 276 agricultural pest control businesses (PCB) registered to conduct applications in a variety of settings from landscapes to lakes. The structural and landscape maintenance industries account for the majority of urban landscape pesticide applications, excluding antimicrobial use and applications by homeowners.

The County of San Diego Board of Supervisors support a robust Pesticide Regulation Program through their strategic initiatives of Sustainability, Empower, Justice and Community. PRP implements the strategic framework by: protecting our food supply and supporting regional economic resilience and environmental sustainability; investing in the workforce and operations by providing support service, excellent customer service, and operational continuity; providing program and service to enhance the community through increasing the well-being of our residents and environments; and facilitating meaningful conversations, shared programming, grant opportunities, or other opportunities to maximize resources through community partnerships to benefit the region.

The California Department of Pesticide Regulation's (CDPR) mission is to protect human health and the environment by regulating pesticide sales and use, and by fostering reduced-risk pest management. PRP supports their mission and goals by protecting people and the environment, enforcing pesticide laws and regulations at the local level to achieve compliance, ensuring environmental justice through community needs assessments and pesticide disposal events, continuously improving PRP's performance, and conducting outreach to the public and industry.

Program Resources PROGRAM STAFF

The County of San Diego Department of Agriculture/Weights & Measures (AWM) Pesticide Regulation Program (PRP) supports staff and operations by providing support services which allows PRP to provide excellent customer service to ensure continuity of operations remains at its best. PRP is comprised of 27 staff members:

- 15 full-time Agricultural/Standards Inspectors at 100%
- 2 full-time Agricultural/Standards Inspectors with their activities divided between the Pesticide Regulation Program at 75% and the Hazardous Materials Inventory Program (HMI) at 25%
- 3 Supervising Agricultural/Standards Inspectors at 100%
- 1 Supervising Agricultural/Standards Inspector with their activities divided between PRP at 93% and HMI at 7%
- 1 Environmental Health Technician with their activities divided between PRP at 65% PRP and HMI at 35%
- 1 Supervising Office Assistant at 100%
- 1 Senior Office Assistant at 100%
- 1 Office Assistant at 100%
- 1 Program Coordinator at 100%
- 1 Deputy Agricultural Commissioner/Sealer at 100%

Eight of the 17 Agricultural/Standards Inspectors (ASI) have five or more years of pesticide enforcement experience, and nine inspectors have less than five years of experience. Four of the 17 inspectors are bilingual. Collectively all 21 ASIs, Supervising ASIs, and Program Coordinator possess the “Pesticide Regulation” License with 13 also possessing the “Investigation and Environmental Monitoring” License.

PRP inspectors are distributed primarily by geographic area, but also work on specific programmatic functions. All inspectors perform agricultural, non-agricultural, and structural regulatory activities. They are equipped with smart phones, cameras, mobile computers, personal safety equipment, and County vehicles to conduct their field work. Seven inspectors are headquartered at our North County office and nine are headquartered at our San Diego office. One inspector participates in the County's Government-With-Out-Walls Program that maximizes the use of mobile technology and nontraditional work settings to reduce costs and improve operational efficiency and augment our capability to quickly to respond as needed throughout the San Diego region.

AWM's Agricultural Hazardous Materials Inventory Program (HMI) protects our natural and agricultural resources, first responders during emergencies, and the larger community from accidental releases and improper handling and storage of hazardous materials. PRP works with the County Department of Environmental Health & Quality who is the Certified Unified Program Agency (CUPA) to conduct inspections, provide outreach, and review California Environmental Reporting System submittals of agricultural operations that store hazardous materials over the threshold allowed by the Health and Safety Code. Two PRP inspectors spend about 25% of their time conducting HMI activities, such as inspections, outreach, and training.

PRP uses a web-based data management system, Accela Business Case Management System (Accela). PRP has integrated Accela into all aspects of its compliance monitoring and enforcement response activities: registration, investigation, enforcement response determination, Enforcement/Compliance Action Summary, and Notices of Proposed Action (NOPA) processing.

Since 2017, PRP has utilized the statewide California Pesticide Enforcement Activity Tracking System (CalPEATS) platform to conduct all inspections. This integration improved operational efficiency through a reduction in time spent preparing required reports for subsequent submission to CDPR. PRP uses the statewide California Agricultural Permitting System (CalAgPermits) platform to issue Restricted Material Permits (RMP) and Operator Identification Numbers (OPID).

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PRP uses an Online Structural Notices of Intent (NOI) Program (Program) that allows structural fumigation companies the option of completing NOIs for structural fumigations through an online GIS-based program. This program allows for instant notification of scheduled fumigations to all SD CAC staff and local law enforcement agencies. Additionally, this program also allows structural fumigation companies the ability to visually see their scheduled NOIs on a map.

PRP also utilizes CalAgPermits System and a newly AWM developed program management dashboard to facilitate data-driven decision making, to monitor pesticide usage, and prioritize inspection selection. AWM is investing in our workforce and operations through usage of these systems and tools, ensuring optimal service delivery, customer service, and continuity of operations.

CORE PROGRAM AREAS

1. Restricted Materials Permitting

a. Current Status

- i. In 2021 and 2022, the Pesticide Regulation Program (PRP) issued a yearly average of 141 Restricted Material Permits (RMP). The majority of RMPs were issued for one to three pesticides. In 2021 and 2022, 57% of RMPs were agricultural and 43% were non-agricultural. RMPs are issued on an annual basis. This allows PRP staff to review RMPs annually and to discuss with the RMP holders any changes to their operations to ensure updated information, their need for the restricted material use, any alternatives to using restricted materials they have considered or have used, and the mitigations the RMP holders utilize to ensure the restricted material can be used safely.
- ii. PRP works with the California Department of Pesticide Regulation (CDPR) to train inspectors annually, prior to the issuance of RMPs. The training covers resources PRP has created to ensure inspectors uniformly issue RMPs and how to run queries for endangered species which protects our natural and agricultural resources, diverse habitats, and sensitive species.
- iii. PRP's business practice for Notices of Intent (NOI) review ensures that inspectors are trained to review NOIs as required by Title 3 of California Code of Regulations (CCR) Section 6434.
- iv. Due to the intricacy of field fumigations, PRP created a Field Fumigation Team consisting of four inspectors and two supervisors. These inspectors are trained in field fumigations and are responsible for reviewing and approving field fumigation NOIs which include a detailed Worksite Plan. The Worksite Plan assists the inspectors in identifying any potential compliance issues prior to the commencement of a field fumigation.
- v. Recognizing the value of unique agricultural site evaluations, PRP conducts Pre-Application Site Evaluations of 5% of all agricultural NOIs per State regulation. PRP achieves the 5% rate by requiring each inspector to conduct agricultural site evaluations each year and by supervisors monitoring inspector's work to ensure the required number of unique site visits are conducted.
- vi. Recognizing the value of conducting annual inspections with non-agricultural RMP holders, PRP conducts an inspection with 100% of all non-agricultural RMP holders per State regulation. PRP achieves this by requiring the inspector to conduct a Pesticide Use Monitoring Application Inspection for each non-agricultural RMP they issue. PRP monitors this to ensure all non-agricultural RMP holders are inspected.
- vii. PRP issued three commodity fumigation RMPs in both 2021 and 2022. One inspector is assigned as the commodity fumigation lead and ensures that all pesticide and air quality requirements are met through all phases of the process. All commodity fumigation inspections were 100% in compliance in 2021 and 2022.

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b. Planned Improvements

- i. Continue to train and monitor inspectors on RMP issuance and NOI review.
- ii. Continue to work with RMP holders to consider alternatives to restricted materials and mitigations to using restricted materials.
- iii. Continue to train and closely monitor the Field Fumigation Team to ensure continued conformance to CDPR RMP conditions and internal approved business practices.
- iv. Conduct outreach and implement the new 1-3 Dichloropropene field fumigation regulations taking effect on January 1, 2024.
- v. Continue to work with structural pest control businesses to educate on restrictions when using Second-Generation Anticoagulant Rodenticides (SGAR).
- vi. Conduct outreach and implement new regulatory requirements for Private Applicator Certificate examinations. scheduled to be effective January 1, 2024.

c. Goals and Projected Deliverables

- i. Ensure that all PRP inspectors are trained each year on the RMP and NOI business practices that include CDPR's guidance.
- ii. Follow RMP and NOI business practices including all required documentation when issuing RMPs or evaluating NOIs.
- iii. Field Fumigation Team will review soil fumigant RMP process prior to issuance of RMPs.
- iv. Field Fumigation Team will follow the Field Fumigation NOI Business Practice.
- v. Continue training for inspectors in the Field Fumigation Team to ensure uniformity with other CACs doing a high volume of field fumigation inspections and CDPR-;[[recommended RMP conditions. When possible, PRP will send Field Fumigation Team to the Central Coast Pesticide Use Enforcement Roundtable.
- vi. Conduct an annual Pest Control Headquarters Inspection with each field fumigant RMP holder.
- vii. Evaluate no less than 5% of the NOIs received and document evaluation on Pre-Application Site Evaluation forms. To address areas with potentially greater hazards or potential for complaints, priority will be given to evaluating sites where field fumigations and aerial applications will be conducted. Priority will also be given to applications at sensitive sites.
- viii. Conduct an annual Pesticide Use Monitoring Application Inspection with each non-agricultural RMP holder.
- ix. Ensure agricultural rodenticide RMPs conform to regulations and CDPR guidance requiring NOIs to be time and site-specific.

d. Measures of Success

- i. Minimize possible impacts from the use of restricted materials to the public, pesticide applicators, fieldworkers, and the environment.
- ii. Provide well trained PRP inspectors who issue restricted material permits in accordance with the RMP Business Practice and NOI Business Practice in conformance with regulations, department conditions, and the Pesticide Use Enforcement Program Standards

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Compendium, Volume 3, Restricted Materials Permitting.

- iii. Provide well trained Field Fumigation Team who follow business practices and conform to the Pesticide Use Enforcement Program Standards Compendium, Volume 3, Restricted Materials Permitting, to ensure field fumigations restricted material permits are issued correctly and have considered all human and environmental impacts, and addressed feasible alternatives.
- iv. Ensure rodenticide RMPs and NOIs are in compliance with regulations, department conditions, and CDPR guidance. Work with industry to ensure use of SGARs is in compliance with the regulations enacted in 2021.

2. Compliance Monitoring

a. Current Status

- i. The Pesticide Regulation Program (PRP) conducted an average of 1,331 regulatory inspections in 2021 and 2022. 44% of the inspections were agricultural and non-structural and 56% were structural. From year-to-year, the number of inspections may fluctuate depending on the number of public complaints, pesticide illness incident investigations, quarantines, or other factors such as staffing, workload reprioritization, funding adjustments, or emergency projects.
- ii. Collectively all 21 Agricultural/Standards Inspectors (ASI), Supervising ASIs, and Program Coordinator possess the "Pesticide Regulation" License with 13 also possessing the "Investigation and Environmental Monitoring" License. 17 ASIs perform inspections according to the California Department of Pesticide Regulation (CDPR) policies and procedures. Supervising ASIs and CDPR conduct monthly field oversight ride-alongs with inspectors to ensure appropriate procedures and policies were followed in 2021 and 2022.
- iii. PRP works with CDPR to train all inspectors. On average, PRP and CDPR spent an average of 220 hours per year training inspectors to conduct Pre-site Evaluations, Fieldworker Safety Inspections, Pesticide Use Monitoring Inspections, Pest Control Headquarters Inspections, and Pest Control Business Inspections. PRP inspectors with specialized training conduct Commodity Fumigation Use Monitoring Inspections and Field Fumigation Use Monitoring Inspections.
- iv. The criteria for prioritization of inspections are reviewed with inspection staff during staff meetings. When conducting inspections, higher priority is given to inspections based on the following criteria:
 - 1. Applications using more toxic materials, more hazardous formulations, fumigants, and restricted materials.
 - 2. Sensitive sites, including school sites and surrounding areas, applications where there is a greater potential for worker and public exposure and environmental impacts.
 - 3. Unlicensed/unregistered pest control companies and pesticide employee.
 - 4. Companies and individuals with a history of non-compliance.
 - 5. Applications that have historically resulted in complaints.
 - 6. The following methods of application: aerial, fumigation, and power spraying.
 - 7. A higher number of employees engaged in pesticide or field activities (pesticide handlers and fieldworkers).
 - 8. Companies and growers which receive a public complaint.
- v. Inspectors record their regulatory findings in the "as found condition." Any inspection criterion marked as a non-compliance received appropriate compliance action and enforcement action

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as required by the Enforcement Response Regulations [3CCR Sections 6128-6131] (violation notice, warning letter, civil penalty, or referral to the district attorney, city attorney or state agencies).

- vi. In 2021 and 2022, the licensed and registered structural fumigation companies completed an average of 17,750 fumigations. PRP conducted an average of 723 complete, partial, and undercover structural fumigations inspections, resulting in an average inspection rate of 3.7%.
- vii. PRP created an Online Structural Notices of Intent (NOI) Program (Program) that allows structural fumigation companies the option of completing NOIs for structural fumigations through an online GIS based program. The Program allows for instant notification of scheduled fumigations to all PRP staff and requesting law enforcement agencies. Additionally, this Program also allows structural fumigation companies the ability to visually see their scheduled NOIs on a map.
- viii. PRP has an active ongoing Undercover Structural Fumigation Inspection Program that conducts 42 inspections annually. Inspection priority is given to companies with a history of non-compliance. In 2021 and 2022, undercover inspections resulted in a non-compliance rate of 5%, a compliance level twice that of in-person inspections.
- ix. In January 2023, the law regarding participation in the Structural Fumigation Enforcement Program was amended removing the County of San Diego from the program.
- x. In 2018, CDPR adopted new regulations limiting pesticide use near schools. The regulation requires, before April 30th of each year, a grower within a ¼ mile of a public-school site, must provide annual notification to the school on the potential pesticides they might use. To ensure all growers meet this requirement, PRP sends out reminders and assigns inspectors work with growers to complete the notifications. The following is a breakdown of school and production agricultural sites affected in the San Diego region:
 1. 117 total schools are within a ¼ mile of a production agriculture site.
 2. Approximately 86 growers, with 124 production agriculture sites, are within a ¼ mile of a school and will be required to provide school notification in 2023.
- xi. PRP has two inspectors assigned to work with school districts to answer their questions and provide guidance on the proper and safe use of pesticides. Our team also works closely with Pest Control Advisors and Pest Control Businesses that provide services to school districts.
- xii. In 2021, the United States Department of Agriculture (USDA) and the California Department of Food and Agriculture (CDFA) confirmed the first detection of the citrus disease known as Huanglongbing (HLB) in Oceanside. In 2022, HLB was found in the City of San Diego, only the second location in the San Diego region. HLB is spread by the Asian citrus psyllid (ACP). In response to this finding, PRP staff conducted Pesticide Use Monitoring Inspections of ACP pesticide treatments and attended three outreach meetings provided to the general public and growers regarding HLB and ACP. Staff were available to provide information and answer questions from the public and growers.
- xiii. The County of San Diego Department of Environmental Health and Quality's Vector Control Program (DEHQ-VCP) uses larvicide to prevent outbreaks of vector borne illnesses such as West Nile Virus. DEHQ-VCP hires a licensed and registered pest control business to conduct these aerial applications. These aerial applications are conducted to water bodies in urban areas throughout the county. Historically, due to these high visibility applications taking place in urban areas, these applications have resulted in complaints from the public. To mitigate the public's concern, PRP prioritized observing these applications. In 2021 and 2022, PRP monitored an average of 22 high visibility vector applications that were all in compliance.
- xiv. Utilizes the statewide inspection software, CalPEATS, to conduct 100% of inspections. Inspection

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data is transferred to our internal database (Accela) to allow for comprehensive compliance and enforcement tracking.

b. Planned Improvements

- i. Use statistical analysis to identify trends in non-compliances, common violations within industry, and what pesticides are being used and where. Use this information to focus inspection activities to address areas of non-compliance and pesticide use.
- ii. Increase production agricultural activities by conducting 25% more Pest Control Headquarters Inspections to ensure worker health and safety and the safe use of pesticides at agricultural operations.
- iii. Focus on Cannabis cultivation activities by continuing to monitor the Department of Cannabis Control licenses list for the San Diego region and provide outreach and education on pesticide laws, regulations, and labeling to new Cannabis cultivator licensees.

c. Goals and Projected Deliverables

- i. Conduct approximately 1,600 inspections in 2023 and 1,800 inspections in 2024 with growers, Pest Control Businesses (PCB), Structural Pest Control Businesses (SPCB), Pest Control Businesses (PCB), Maintenance Gardeners (MGB), fieldworkers, pesticide dealers, Pest Control Advisors (PCA), golf courses, cemeteries, institutions, and government agencies. Priorities will be fumigation inspections and applications using restricted use pesticides, Danger (highest toxicity) labels, Second-Generation Anticoagulant Rodenticides applications, and applications near sensitive areas such as school sites, businesses with employees, and applications that have historically resulted in complaints.

Inspection Goals for 2023 and 2024

Inspection Type	2022 Actuals	2023 Goal**	2024 Goal**
Fieldworker Safety (103)	58	70	80
Application – Grower (104)	110	150	165
Mix/Load – Grower (104)	75	75	85
Application – PCB (104)	154	160	175
Mix-Load – PCB (104)	52	50	65
Commodity Fumigation (105)	2	3	3
Field Fumigation (106)	23	25	25
Headquarters – Grower (109)	138	200	225
Headquarters/Records – PCB (110)	85	110	130
Headquarters – Dealer (109)	13	25	30
Headquarters – PCA (109)	3	10	15
Headquarters/Records – SPCB (110)	85	110	130
Structural Fumigation – Branch 1 (107) - Complete	360	298	298
Structural Fumigation – Branch 1 (107) - Undercover	45	44	44
Application Structural – Branch 2 (General Pest Control) (108)	191	200	225
Mix/Load Structural – Branch 2 (General Pest Control) (108)	47	50	75
Application Structural – Branch 3 (Termite Pest Control) (108)	10	15	20
Mix/Load Structural – Branch 3 (Termite Pest Control) (108)	2	5	10
Totals	1453	1600	1800

**The listed number per type of inspection may change and are dependent on factors including funding, staffing, number of businesses registered, number of pesticide applications, amount and types of pesticides used, and compliance level.

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In addition to the inspections listed in the table above, PRP will conduct the following activities in 2023 and 2024:

- 80 - Pre-Application Site Evaluations (102)
- 155 - Structural Fumigation – Branch 1 (107) – Tarp Check

Inspection Numbers by Year and Category			
Years	Agricultural*	Structural**	Total
2022 Actual	713	740	1453
2023 Projected	878	722	1600
2024 Projected	998	802	1800

* This Category includes Production Agriculture, Non-Production Agriculture, and Non-Agriculture inspections

** This Category include Fumigation and General Pest inspections

- Conduct follow-up inspections on all non-compliances within 30 days when not corrected at time of inspection.
- Inspect 3% of structural fumigations to reflect continued regulatory focus. Fumigation inspections will include complete and undercover inspections. Each undercover inspection is counted as equivalent to four standard complete inspections. When conducting undercover inspections priority will go to companies with a history of non-compliance.
- Identify trends in non-compliances and reported pesticide usage, and inspect 10% of the businesses applying pesticides (excluding fumigants) to control general structural household pests. Prioritize businesses which complete the largest number of pesticide applications or have a history of noncompliances.
- Monitor high visibility aerial vector control applications that have historically resulted in increased public concern. PRP inspectors will conduct at least 15 inspections of these applications to ensure public health and safety.
- Assign inspector workload goals based on the inspector's work area characteristics and workload activities such as number and types of restricted materials permits, number and type of PCBs, PRP goals and responsibilities, and Agricultural Hazardous Materials Inventory Program (HMI) goals. Inspectors may need to conduct cross-program inspection activities throughout the year. Inspection goals will also reflect the County of San Diego's Strategic Initiatives for Sustainability by protecting and promoting our natural and agricultural resources; Community through services that enhance the community through increasing the well-being of our residents and our environments; and Empower by providing support services and excellent customer service to ensure continuity of operations remains at its best.
- Conduct outreach to school districts to determine the baseline level and type of pesticide use. Once the baseline is determined, conduct Pest Control Headquarters Inspections once every three years in school districts where employees handle pesticides.
- Each supervisor will conduct at least one monthly field oversight ride-along with their inspectors to ensure appropriate procedures and policies are followed.
- Facilitate monthly CDPR Enforcement Branch Liaison's (EBL) oversight inspections with

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different inspectors to ensure regulatory activities are conducted according to CDPR's standards and guidance.

d. Measures of Success

- i. An industry with better understanding and appreciation for safe use of pesticides. Follow-up inspections show compliance improvement.
- ii. An improved evidence collection process that leads to higher success in enforcement actions. All non-compliances noted when conducting inspections or investigations are recorded in the "as-found condition."
- iii. Licensed businesses found in non-compliance understand the need for compliance and come into conformance with pesticide laws and regulations.
- iv. A better-informed industry that promotes a timely and effective submission of NOIs and use reports.

3. Investigation Response and Reporting

a. Current Status

- i. There are approximately 134 investigations conducted annually. These investigations are initiated by external stakeholders, such as the California Department of Pesticide Regulation (CDPR), Poison Control, and the public. Incidents may include alleged pesticide exposures or illnesses and allegations pesticide misuse.
- ii. Collectively all 21 Agricultural/Standards Inspectors (ASI), Supervising ASIs, and Program Coordinator possess the "Pesticide Regulation" License with 13 also possessing the "Investigation and Environmental Monitoring" License. Seventeen ASIs perform investigations. All staff receive annual "Investigation and Environmental Monitoring" training provided by CDPR. All investigative reports are reviewed and approved by a PRP Supervising ASI and the Deputy Agricultural Commissioner in Pesticide Regulation Program.
- iii. PRP works with CDPR to annually train all inspectors to conduct pesticide illness investigations and pesticide-related complaints.
- iv. Currently, PRP is completing 100% of pesticide illness investigations within 120 days.
- v. PRP responds to all pesticide-related complaints received. Public complaints are often concerning structural fumigations, general structural pest control applications, or allegations of a neighbor's misuse of pesticides affecting the complainant's health or property. In 2021 and 2022, PRP investigated an average of 61 complaints.
- vi. Illness referrals received from CDPR and Poison Control are often related to the use of antimicrobial products (disinfectants and sanitizers). Antimicrobial referrals comprised approximately 38% of our annual investigations in 2021 and 2022.
- vii. Priority episode investigations are given focused attention and handled in accordance with CDPR guidance. In 2021 and 2022, PRP handled an average of five priority episode investigations. Four of the five priority investigations were closed within the required timeframe. One priority took longer due the complexity of the investigation which involved 16 complaints on 13 unique properties, 33 samples taken, numerous interviews conducted, and two growers involved.
- viii. PRP's internal process includes an automated complaint and investigative report which streamlines the assignment of an investigator and ensures a timely response to public complaints and reported illnesses. Responses occur within two business days of receiving

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notification. Instead of paper reports and evidence packets moving from in box to in box, the process is handled through the department's data management system Accela and no longer requires the creation of paper documents. Once the investigation process is initiated in Accela, an investigator is electronically assigned and notified of what and when input is required. Review and approval of investigative reports including evidence is also performed electronically. Investigative reports are accessed by PRP staff via the web anytime from anywhere. As a result of the process being electronic, PRP can efficiently manage workload distributions, track timelines, and look for complaint related trends.

b. Planned Improvements

- i. Continue looking for ways to integrate CalPEATS investigation components with PRP's Accela tracking and reporting capabilities to maximize automation, efficiencies, and effectiveness.
- ii. PRP will analyze trends within pesticide illness and complaint investigative findings to identify possible outreach opportunities.
- iii. PRP will respond to pesticide complaints within two business days and complete related investigative reports in an average of 73 days, surpassing CDPR's guideline of 120 days.
- iv. Encourage all staff to obtain the "Investigation and Environmental Monitoring" License through individual goal setting during the annual performance appraisal process.

c. Goals and Projected Deliverables

- i. CDPR relies on investigative reports to help determine where pesticide laws, regulations and labeling need to change in order to protect the person using the pesticide, the public, and the environment. To support these efforts, PRP will:
 1. Provide clear, concise, complete, and compelling investigative reports for the reviewer to identify where problems may be reoccurring.
 2. Conduct the investigation promptly and submit in a timely manner.
 3. Ensure the investigation report and attachments are complete and include pesticide labels, exposure information, and violations found.
 4. Include evidence to support the violations found and necessary to proceed with enforcement response.
- ii. Maintain timely response to pesticide illness incident referrals received from CDPR and Poison Control by completing illness investigative reports within 120 days of episode notification and submit reports to CDPR in a timely manner.
- iii. Collaborate with CDPR to ensure priority investigations receive focused attention and are done according to procedure and timeframe by submitting the priority investigative reports to CDPR within 45 days of completing the investigation.
- iv. The reporting of pesticide complaints will be welcomed from the public and other stakeholders. All pesticide-related complaints that fall under PRP jurisdiction will be investigated.
- v. Provide outreach based on identified trends in illness and complaint investigations.

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d. Measures of Success

- i. Quality investigative reports produced in a timely manner that meet CDPR guidelines.
- ii. Complete investigative reports with well documented evidence for violations found, resulting in appropriate compliance action and enforcement action as required.
- iii. All public complaints of pesticide exposure, illness, and misuse responded to in a timely manner.
- iv. Investigate all referrals, whether reported to AWM directly or brought to AWM's attention through other means, such as County of San Diego Department of Environmental Health and Quality Division of Hazardous Materials' weekly incident reports, or media reports.

4. Enforcement Response

California Food and Agricultural Code Section 12999.5 authorizes the County Agricultural Commissioner (CAC) [Agricultural/Weights & Measures (AWM)] to issue agricultural civil penalties. Business and Professions Code Section 8617 authorizes the CAC [AWM] to propose structural civil penalties. Violations are classified according to the California Food and Agricultural Code, Business and Professions Code, and Titles 3 and 16 of the California Code of Regulations. Pesticide Regulation Program (PRP) has a goal of proposing all Notices of Proposed Action (NOPA) within an average of 60 days from the date the violation is determined or completion of the investigative report.

a. Current Status

- i. In 2021 and 2022, PRP closed an average of 58 civil penalty cases of which three requested civil administrative hearings. All of the NOPAs were upheld in the hearing officers' decisions.
- ii. When a violation is documented, AWM's Enforcement Response Determination (ERD) process is initiated to uniformly apply the Enforcement Response Regulations (ERR). The ERD process includes a detailed review of the incident findings documented in the inspection or investigative report with relevant evidence collected to ensure the violation is valid and properly supported. The resulting compliance and/or enforcement action aligns with the California Department of Pesticide Regulation's (CDPR) interpretation of the ERR and provides applicable CAC discretion. The ERD process is also used to analyze trends and determine areas of non-compliance needing additional regulatory focus.
- iii. Warning Letters are a compliance action used to document violations without imposing a monetary fine. Warning Letters are issued when a Class B/Moderate or a Class C/Minor violation is determined and there is no recent history of violation(s) and on a case-by-case basis. PRP issued an average of 95 Warning Letters in 2021 and 2022.
- iv. PRP uses an automated Warning Letter generated from the department's data management system, Accela. The report streamlines the Warning Letter process and allows the supervisor to generate the letter within minutes with improved consistency and accuracy.
- v. PRP regularly confers with our Enforcement Branch Liaison (EBL) and others in CDPR on cases to assist with achieving appropriate and consistent enforcement.

b. Planned Improvements

- i. PRP will look for improved ways to integrate CalPEATS enforcement module with Accela. This process will leverage the strengths of each system while insuring PRP is

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meeting statewide reporting requirements. CalPEATS will enable CDPR to easily monitor PRP's inspection activity and request changes in focused activities if needed. Accela will continue to be used as a management tool and for the purpose of tracking investigations.

- ii. PRP supervisors, and managers will be attending a CDPR-led training on decision report writing in early 2023. This training will provide the attendees with a deeper understanding of the enforcement process and promote uniformity of reports produced.

c. Goals and Projected Deliverables

- i. Take appropriate compliance and/or enforcement actions according to the ERR with proper documentation and consideration for each incident on average within 60 days of the date the violation was determined or completion of the investigative report.
- ii. In the case of priority investigations, provide an opportunity to the District Attorney, City Attorney, or Circuit Prosecutor to participate in the investigation and/or pursue a civil or criminal action when a violation is found during the investigation.
- iii. Continue to refine and streamline internal procedures for processing enforcement actions within the resources of the department, preparing NOPAs, and evidence packets within 60 days of the date the violation was determined or completion of the investigative report.
- iv. Facilitate CDPR review of NOPAs involving incidents that meet the human health Priority Episode criteria and any violations with a substantial adverse effect to human health prior to being signed by the CAC.
- v. Notify the CDPR EBL of any structural or agricultural enforcement incidents referred to outside agencies, such as the Structural Pest Control Board for licensing action or to the District Attorney, City Attorney, or Circuit Prosecutor, in a timely manner. Submit referrals of structural companies with a history of chronic non-compliances to the Structural Pest Control Board for licensing actions.

d. Measures of Success

- i. ERD applied uniformly in a fair, effective, timely, and consistent manner to all compliance and enforcement actions.
- ii. NOPAs processed and issued on average within 60 days of the determination of the violation or completion of the investigative report.
- iii. All NOPAs upheld in hearing decisions and on appeals.

PRIORITIES AND OTHER PESTICIDE REGULATORY ACTIVITIES

5. Enforcement Staff Training

a. Current Status

- i. The Pesticide Regulation Program (PRP) has experienced many staff changes in the past couple of years. Seven of the 17 inspectors and four of the five supervisors have joined PRP within the last five years.
- ii. PRP recognizes the importance and necessity for a highly knowledgeable and trained staff. Training is performed on several levels. The California Department of Pesticide Regulation (CDPR) trainings and other state trainings are utilized when available. In addition, the program coordinator and supervisors regularly train and update inspectors on specific aspects

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of pesticide regulation.

- iii. CDPR provides local training, review, evaluation, feedback, and guidance through Enforcement Branch Liaison (EBL). The EBL reviews Restricted Material Permits (RMP), investigative reports and inspections for accuracy and completeness, and conducts regular ride-along oversight inspections with inspectors.
- iv. Specific focus is placed on training in core responsibilities, such as RMP issuance, inspections, and investigations as outlined in the CDPR *Pesticide Use Enforcement Program Standards Compendium*:
 - 1. Volume 3, Restricted Materials and Permitting,
 - 2. Volume 4, Inspection Procedures, and
 - 3. Volume 5, Investigation Procedures
- v. In 2021 and 2022, CDPR conducted several trainings with PRP staff including inspectors, supervisors, program coordinator and deputy on Pesticide Use Monitoring Inspection 104 (2022), Respirator and PPE (2022), Investigative Sampling (2021).
- vi. Four PRP inspectors participated in a three-day Structural Regulatory Training (2022).
- vii. Two PRP inspectors participated in the CalEPA's Basic Inspector Academy (2021).

b. Planned Improvement

- i. Focus on providing training that will broaden and deepen the knowledge and experience of new inspectors, in addition to specialized training for the more experienced inspectors.

c. Goals and Projected Deliverables

- i. Provide a minimum of six enforcement trainings annually, focusing on pesticide regulation activities, such as RMP issuance, investigative procedures, residue sampling, inspection procedures, and civil administrative hearings.
- ii. Facilitate CDPR-provided training when available.
- iii. Participation in CalEPA Basic Inspector Academy for newer inspection staff to ensure consistent, effective, and coordinated compliance and enforcement.
- iv. Provide regular hands-on opportunities when available, such as newer inspectors assisting experienced staff to collect samples or provide outreach to industry. This allows for the experienced staff to provide feedback and guidance as a learning approach.

d. Measures of Success

- i. A highly trained, accurate, consistent, effective, and efficient workforce.
- ii. Fair, consistent, equitable, and professional responses to complainant and industry's concerns.
- iii. Inspections and investigations conducted in a professional, consistent, and timely manner.
- iv. Engaged and inquisitive employees who are seeking opportunities to deepen and apply their knowledge and skills.
- v. An experienced workforce that is able to mentor and train new employees.
- vi. Inspector-led development of training aides and business practices to support consistency and capture institutional knowledge.

6. Outreach

Outreach to the regulated community provides a proactive method of disseminating information about requirements to growers, applicators, fieldworkers, structural and agricultural businesses, and other operations that use pesticides. Outreach is also done to connect with the public in order to educate about pesticide and antimicrobial safety.

a. Current Status

- i. Pesticide Regulation Program (PRP) identified Maintenance Gardener Businesses (MGBs) as an underserved community, as part of its Community Needs Assessment, by analyzing inspection data and compliance rates for MGBs. The analysis indicates that the compliance rates for this pest control business sector is the lowest among the pest control businesses. To better support human health and safety, PRP provides focused outreach, increase inspections, and support local MGBs in obtaining the required DPR Maintenance Gardener Pest Control Business License. In addition, PRP staff are visiting locations that are frequented by MGBs to distribute outreach materials, such as pesticide dealers and home improvement stores. PRP's goal is to increase compliance with MGBs which includes obtaining the DPR MGB license, registering with the Agricultural Commissioner, wearing appropriate personal protective equipment, and employee training.
- ii. Agricultural/Standard Inspectors (ASI) and Supervising ASIs participate in providing presentations to diverse groups of pesticide users. They also disseminate pesticide and antimicrobial information from exhibit booths at public events. ASIs have been handing out educational outreach materials in English and in Spanish to pesticide dealers, green waste disposal locations, and landscape supply stores to reach out to maintenance gardeners who use or may consider using pesticides.
- iii. In 2021 and 2022, the Pesticide Regulation Program (PRP) held an average of three fieldworker trainings to provide required pesticide safety training to 106 agricultural workers. California's System for Pesticide Incident Reporting (CASPIR) is a mobile application and provides a quick and easy way to report pesticide incidents. PRP provides CASPIR information during fieldworker trainings and inspections.
- iv. In 2021 and 2022, an average of 18 outreach events were conducted involving on average over 1,040 attendees per year, including the University of California; San Diego Farm Bureau, Cuyamaca Community College, California Associate of Pest Control Advisers, the Pesticide Applicators Professional Association, San Diego Pest Control Operations of California (PCOC), San Diego County Golf Course Superintendent Association, San Diego County Fair, Vintners Association, Target Specialty Products, Grangetto's Farm and Supply, and California State University San Marcos Nursing Program. Topics included surface water regulations, CalAgPermits System, new regulations regarding personal protective equipment, general pesticide laws and regulations, proper pesticide storage, school notification requirements, pesticide-related illnesses/injuries, and how to avoid illnesses/injuries with antimicrobials and pesticides used on the job.
- v. Outreach has been consistently conducted to promote the use of CalAgPermits for pesticide use reporting. One-on-one outreach has helped to answer questions and guide users to a successful CalAgPermits experience.
- vi. PRP also participates in the monthly meetings of the San Diego Pest Control Operators of California (PCOC), giving regular updates and information, in addition to providing enforcement related presentations.
- vii. In 2021 and 2022, PRP held an average of three pesticide container recycling events which resulted in the diversion of an average of 1,710 pounds of plastic from local landfills. Additionally, in 2021 and 2022, PRP held two special one-day unwanted pesticide

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disposal event for San Diego region growers. Growers participating in the event bought their unwanted agricultural use pesticides to the event for free and safe disposal. This event benefited the community by safely removing potentially hazardous, unwanted, and outdated pesticides from agricultural operations. Collection and disposal of unwanted pesticides is important as many of these chemicals are no longer useable and are costly to dispose of properly. By providing growers no cost, safe, and legal option for disposing of unwanted pesticides, this event will mitigate risk of impacts to human health and the environment caused by accidental spills or improper disposal. To ensure equity, growers completed applications which identified the pesticides they wanted to turn in, their location, and the size of their farm. Priority was given to small growers and growers from underserved communities. PRP collected over 18,000 pounds of unwanted agricultural pesticides, which saved local farmers an estimated \$290,000. Funding for the pesticide disposal events was jointly provided by the California Agricultural Commissioners and Sealers Association, the California Department of Pesticide Regulation, and the County of San Diego.

- viii. In August 2022, CDFA declared a 77-square-mile quarantine covering the town of Valley Center in northern San Diego county and surrounding areas for the Mexican fruit fly following the detection of six flies and one larva. The USDA, CDFA, CDPR, and PRP are working collaboratively on this agricultural quarantine. PRP staff attended three grower outreach meetings and provided information regarding using pesticides safely, issued Operator Identification Numbers (OPID), and Special Local Needs (SLN) supplemental labeling to growers at the events. In 2022, PRP issued 26 new Operator Identification Numbers to growers affected by the quarantine. To ensure public, applicators, and fieldworker safety, PRP staff prioritized observing the first pesticide application each grower made which resulted in 28 observed applications. By issuing the OPIDs, SLNs, and observing the application, PRP was able to ensure the grower knew how to properly apply pesticides to ensure the safety of the applicator, fieldworker, public, and environment.

b. Planned Improvements

- i. PRP participated in a countywide marketing campaign to raise awareness of and increase participation in county sustainability and pollution prevention programs, so every person considers and makes informed decisions about their effects on the environment. PRP will be contributing to this countywide goal by promoting and conducting pesticide container recycling events to divert these empty plastic pesticide containers from landfills.
- ii. As part of a Community Needs Assessment (CNA), PRP identified Maintenance Gardener Businesses (MGB) as an underserved community. To better serve MGBs and increase public health and safety, PRP will continue to provide focused outreach, increase inspections, and facilitate licensing and subsequent registration.
- iii. PRP will hold quarterly outreach meetings with structural fumigation companies and industry representatives operating in the county. Topics are varied with two-way discussion involving enforcement issues and general concerns of the CAC and industry.
- iv. PRP will continue to work with our partnering agencies to find funding to continue and to expand our unwanted pesticide disposal events to include non-production agriculture, government agencies, and pest control businesses.

c. Goals and Projected Deliverables

- i. Conduct at least 20 focused outreach activities annually to growers, pest control businesses, pesticide applicators, and the public.
- ii. Conduct a minimum of eight fieldworker training sessions annually in Spanish utilizing bilingual staff.

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- iii. Host quarterly San Diego Structural Fumigation meetings as a discussion forum for industry and PRP.
- iv. Include compliance information on various topics with each courtesy registration renewal notice PRP mails at the end of each year to growers, pest control businesses, pest control advisors, and farm labor contractors.
- v. Provide compliance assistance to individuals and groups making quarantine compliance treatments. During eradication projects, attend public meetings as needed to provide information about pesticide application requirements, issue Restricted Materials Permits, Operator Identification Numbers, and Special Local Needs supplemental labeling as well as conduct monitoring activities as appropriate to ensure compliance.
- vi. Promote the use of technology such as the CalAgPermits System and online pest control business registrations to maximize resources and increase efficiency and effectiveness.
- vii. Continue to attend monthly PCOC meetings.
- viii. Participate in the County of San Diego's Land Use Environmental Group compliance working group meetings that provide agencies a forum to share information, discuss incidents, and cooperatively address issues.

d. Measures of Success

- i. Relevant and engaging outreach presentations that address significant pesticide-related issues.
- ii. An informed community regarding safe antimicrobial and pesticide use.
- iii. The health of residents and the environment safeguarded through PRP's promotion of safe and legal use of pesticides.
- iv. Reduction of pesticide containers in landfills.
- v. Reduction of the amount of unwanted agricultural pesticides in storage. Work with partner agencies to fund unwanted pesticide events for non-production agriculture, government agencies, and PCBs.

7. Beekeeper Notification

a. Current Status

- i. Requirement to notify registered beekeepers is enforced.
- ii. Beekeeper notification requirement language included when issuing Restricted Material Permits (RMP) for specific pesticides harmful to bees.
- iii. Beekeepers can register apiaries using BeeWhere website.
- iv. Apiary locations are mapped, and beekeepers requesting notification are identified through the BeeWhere website.
- v. Investigate bee complaints related to pesticide use and beekeeper notification requirements.
- vi. Dedicated Apiary Program inspector to enforce the County Bee Ordinance and assist in detecting honeybee pests, diseases, and undesirable honeybee behavior.
- vii. In 2022, 32 commercial and 286 hobbyist beekeepers registered in the San Diego region.

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- viii. Online resources are available to beekeepers through the University of California Cooperative Extension (UCCE) and Master Beekeeper Program.

b. Planned Improvement

- i. Promote BeeWhere application to registered beekeepers and industry and develop a baseline for the number of registered beekeepers, growers, and Pest Control Businesses (PCB) using BeeWhere.
- ii. Partner with UCCE on continued outreach to growers, applicators, and Pest Control Advisors (PCA) on their obligations to notify requesting beekeepers of pesticide applications.
- iii. Provide and document outreach to growers on BeeWhere and honeybee protection when an Operator Identification Number (OPID) is issued.

c. Goals and Projected Deliverables

- i. Attend and conduct outreach presentations on bee protection at industry meetings.

d. Measures of Success

The BeeWhere application allows growers, Pest Control Businesses (PCB)s, and Pest Control Advisors (PCA)s to have real time knowledge about beekeepers requesting notification of upcoming pesticide applications occurring near their hives so the beekeeper can make bee management decisions.

- i. Develop baseline for the number of growers, PCBs, and PCAs who utilize or have knowledge of BeeWhere by requesting feedback when issuing Operator Identification Numbers (OPID)s and Restricted Material Permits (RMP)s and during the registration process.
- ii. Increase the number of growers, PCBs, and PCAs using the notification component of the BeeWhere application by providing outreach material when OPIDs and RMPs are issued, registration letters sent are mailed, during presentations to industry, and during headquarter inspections.

ADDITIONAL PESTICIDE REGULATORY ACTIVITIES

- i. Assist CDPR in taking produce out of the channels of trade when found to have no established tolerance or residue levels in excess of established tolerances by the United States Environmental Protection Agency.
- ii. Work collaboratively with the Regional Water Quality Control Board and AWM's Agricultural Water Quality (AWQ) Program on issues pertaining to pesticides and water quality.
- iii. Report to CDPR complaints or reports of loss related to bee kills associated with alleged pesticide applications.
- iv. Ensure that PRP responds in a timely, efficient, and effective manner to major pesticide related incidents in the event of a pesticide emergency.
- v. Conduct three pesticide container recycling events in 2023 and 2024.
- vi. Host two unwanted pesticide disposal events in 2023 and 2024. These events will provide an opportunity for growers to dispose of unwanted pesticides, which mitigates the risk of health or environmental impacts.
- vii. PRP is encouraging growers and businesses to use online reporting via CalAgPermits System.

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- viii. Complete the renewal of the Special Local Needs registration of Pure Bright Germicidal Ultra Bleach which is set to expire May 1, 2023. This product is used to disinfect areas where unsanitary conditions pose a risk to public health from Hepatitis A contamination.

Work Plan Duration

The County of San Diego PRP will revise its work plan biennially.

**For Pesticide Enforcement
Activities by
Department of Pesticide
Regulation and the
County of San Diego Agricultural Commissioner
for
Calendar Years 2023 and 2024**

County

Name: Garrett Cooper
Title: Deputy Director
Date:

Name: Ha Dang
Title: Agricultural Commissioner
Date:

CDPR

Name: Kamrul Bhuiyan
Title: Sr. Environmental Scientist
Date:

Kamrul Bhuiyan

8/4/23

Name: Jahan Motakef
Title: Environmental Program Manager I
Date:

jahan motakef

8/4/2023
