



# AGRICULTURAL COMMISSIONER'S OFFICE WEIGHTS & MEASURES

SANTA BARBARA COUNTY

## ENFORCEMENT WORK PLAN

### Pesticide Regulation Program

2023 - 2025

#### *Our Mission Statement*

*The mission of the Agricultural Commissioner's Office is to improve and protect agriculture, natural resources, and the quality of life in Santa Barbara County.*

## County of Santa Barbara Pesticide Enforcement Work Plan

The Santa Barbara County Agricultural Commissioner's Office (Department) focuses on the safety of agricultural workers, the public and the environment. We also promote and protect agriculture by facilitating and supporting increased knowledge and communication between the public, our stakeholders, and the California Department of Pesticide Regulation.

### Overview

The County is divided into three major areas:

1. The Santa Barbara office covers the Santa Barbara and Goleta areas with the assistance of staff in a satellite office in Carpinteria which covers the Carpinteria and Summerland areas.
2. The Buellton office covers the Santa Ynez, Los Alamos, and Lompoc valleys. There is a satellite office in Lompoc that Buellton staff use.
3. The Santa Maria office covers Santa Maria, Guadalupe, Sisquoc, Los Alamos, and the Cuyama Valley.

Agricultural products and size of farming operations vary greatly between regions in the County. This diversity often requires a different focus and set of tools for staffing, permitting, and inspections. Principle crops grown in the northern part of the County include strawberries, broccoli, lettuce, carrots, and wine grapes. Strawberry acreage is trending upward due to market demand and relative availability of water in the Santa Maria area; the Lompoc area has also seen, and will likely continue to see, an increase in strawberry acreage. In addition to the growth in strawberry acreage, cane and bush berry acreage has also increased with the use of hoop houses. This has led to an increased workload for staff issuing fumigant permits and pre-site inspections. Fumigation applications are complex and require a thorough understanding of highly technical labels, regulations and permit conditions.

The Santa Barbara, Goleta, and Carpinteria crops include avocados and citrus, and a large variety of nursery and greenhouse products. Pesticides used in greenhouses and other fully or partially enclosed spaces require additional regulatory requirements to insure entry, posting and ventilation criteria are met. Pesticide applications conducted in commercial citrus and residential buffer areas for the Asian Citrus Psyllid, which vectors the deadly citrus disease Huanglongbing, have resulted in increased public concerns over pesticide use in areas with an ag-urban interface.

The Santa Ynez Valley, Los Alamos and Lompoc crops include wine grapes, rotational vegetables, strawberries, as well as cannabis which is also grown in the Carpinteria area. Cannabis growers are often new to cultivation and do not always possess knowledge and experience with pesticide regulations. Through outreach with continuing education offerings and headquarter and other pesticide safety inspections, the Department works to ensure pesticide regulatory compliance of cannabis cultivators.

### County Personnel and Resources

The Department invests over 20,000 hours annually in the PUE program. Several of our staff are bilingual (English and Spanish) and bi-cultural which enables the Department to communicate topics such as pesticide regulations and safety and other information with our Spanish speaking community.

A total of 19 inspectors are available to work in the pesticide use enforcement program. However, the department utilizes a combined agricultural biologist-weights and measures inspector staffing model

with some of the inspectors spending larger amounts of time in the Weights & Measure programs or Quarantine and Exclusion programs. Currently, nine of the inspectors and one supervisor have five years or less with the department, with the majority of supervisors and staff working in the pesticide use enforcement program having greater than five years of experience. The Department will utilize inhouse and CDPR training to enhance the knowledge of the staff during the workplan period.

Staff who work out of the Santa Barbara office work in all agricultural programs on a rotational schedule and report to the Santa Barbara Supervisor and Deputy. Staff who work out of the Buellton office also work in all agricultural programs on a rotational schedule and report to the Buellton office supervisor and North County Deputy. Staff who work out of the Santa Maria office are assigned to work primarily in either the Quarantine/Exclusion program or PUE program. The Santa Maria staff report to the North County Supervisor and Deputy Ag Commissioner.

The Department also employs an Agricultural Integrated Pest Management Specialist who assists with providing sustainability and pesticide education and outreach to growers; it also coordinates with other agencies to facilitate information dissemination.

### **Equipment**

All staff who work in the PUE program have an assigned vehicle, a desktop computer, a cell phone with WiFi, and an iPad with WiFi to perform pesticide safety inspections. In addition, all staff have access to personal protective equipment, a decontamination kit, anemometer, binoculars, wind gauge, thermometer, camera and sampling supplies to assist in performing pesticide safety inspections and investigations.

## **Core Program Areas**

### **Restricted Materials Permitting:**

#### **Current Status**

The Department utilizes the CalAgPermits program to manage Operator Identification Numbers (OIN), Restricted Material Permits (permits), and individual licenses and business registrations. Staff are experienced in the use of Cal Ag Permits and follow written permit regulations, the Compendium and Department created guidelines and checklists to ensure intra-departmental consistency when issuing OINs and permits. The majority of OINs and permits are issued annually to expire on December 31<sup>st</sup> of the year issued. Multi-year OINs may be issued for three years for permanent crops.

All OINs and permits are issued by or under the direction of trained staff that possess valid County Inspector Biologist licenses in Pesticide Regulation and or Environmental Monitoring issued by the California Department of Food and Agriculture. The number of permits and OINs issued in Santa Barbara County has stayed constant for the last few years, with approximately 650 to 700 of each issued every year.

Permits are issued only after careful and thorough review of the site and conditions. Close attention is given to soil fumigant permits. In addition, during each permit appointment, staff evaluate site conditions, discuss feasible alternatives and mitigation measures as required by regulation, applicable permit conditions, and encourage growers to communicate clearly and frequently with their neighbors.

Staff also conduct pre-application inspections (PR-ENF 102) on at least 5% of approved Notice of Intent (NOIs). Department staff completed 422 pre-application evaluations in CY 2022.

In addition to permits issued for fumigants, permits for other restricted chemistries are conditioned based on proximity to neighboring farms, businesses, residences and schools, and conditioned based on the application method (aerial, ground, chemigation). In other instances, specific sites on individual permits are further conditioned on a site-by-site basis determined by local knowledge of the site.

Moreover, as part of the field fumigation permitting process, staff ensure that all neighboring farms, businesses, residences, and property owners and operators are notified of nearby fumigations when required by pesticide fumigant labeling.

### **Planned Improvements**

- Continue to ensure new staff is trained on the Restricted Materials and Permitting Compendium (Volume 3), is trained on internal department procedures and checklist documents for permit issuance prior to and while issuing permits.
- Ensure staff attends CDPR training on new and existing regulations and permit condition issued by CDPR.
- Conduct internal annual training for staff focused on permit issuance and alternatives and mitigations, to ensure consistency with regulations and CDPR guidelines.
- Conduct continuing education classes, in both English and Spanish, for growers, Pest Control Advisors (PCAs), Pest Control Businesses, pesticide applicators, and other agricultural employees focusing on alternatives to and mitigation measures for the use of restricted materials.
- Update permit conditions for carbaryl and all field fumigants, to require additional mitigation measures to ensure mitigation of environmental hazards.

### **Goals and projected deliverables**

- Ensure permits and sites are evaluated and accurately conditioned prior to issuing a restricted material permit.
- Ensure site maps for restricted material permits are updated as needed to accurately depict sensitive sites.
- Review Endangered Species and the use of PRESCRIBE with permittee.
- Review all restricted materials used during prior year with the permittee and remove from the permit the restricted materials the grower no longer uses.
- Conduct pre-application site inspections of at least 5% of approved NOIs, with emphasis on fumigations, aerial applications, ag/urban interface areas, schools, and other sensitive sites where CA restricted material applications are proposed.
- Condition all non-ag restricted materials permits to submit a NOI, and conduct inspections of all non-ag permittees annually.

### **Measures of Success**

The success of the restricted material permit program will include permits that are issued in compliance with California laws and regulations as well as CDPR guidelines; and that permits are adequately conditioned to mitigate adverse risk.

## **Compliance monitoring:**

### **Current Status and Inspections**

The Department will continue to conduct surveillance and safety inspections during regular workday hours, as well as off work hours and on weekends. This provides an opportunity to inspect growers/others who conduct pesticide applications during early morning, evening and weekend hours.

The Department conducts all inspections on mobile platforms in CalPEATS and access to paper inspection forms are available should CalPEATS not be functioning.

In CY 2022 Department staff completed 497 inspections. Of those, staff found non-compliances in less than 20 percent of the inspections. The Department plans to complete approximately 400 inspections each year for 2023, 2024 and 2025. This number may fluctuate depending on staffing levels and the experience/licensing of those staff members, the number of pesticide/other related complaints, illegal pesticide residue cases, pesticide/other investigations as well as other external factors such other program workloads and or local emergency projects.

The Department will continue to focus inspection efforts on fumigants, other restricted materials, and pesticide use around sensitive sites such as schools and urban areas, among others.

The CDPR Enforcement Branch Liaison (EBL), Deputies, Supervisors and more experienced staff train and assist new staff. The Deputies and supervisors regularly meet to ensure Countywide consistency with compliance and enforcement.

Staff document all non-compliances found during inspections and add relevant remarks on the inspection forms. For inspections with non-compliances, the inspector discusses the non-compliance(s) and explains the regulatory requirements as well as compliance strategies. Department supervisors follow up with a letter to the authorized representative informing them of the non-compliances. Follow-up inspections are also conducted to ensure violations are corrected.

Supervisors review every inspection for completeness and accuracy. As time allows, inspectors also contact the grower/manager after an inspection without violations which provides an opportunity to have a dialogue and ask if they have any questions. The Department also queries yearly inspection and violation history to determine the most common code section and label violations, and incorporates training regarding these compliance issues into the continuing education courses offered by the Department each fall.

Inspections will continue to focus on:

- Both agricultural and structural fumigant use,
- Inspections of pesticide application to school grounds,
- Companies/businesses and individuals that the Department has not recently inspected,
- Applications with potential for drift, including aerial, early morning, and late-afternoon applications,
- Applications near sensitive sites with potential for worker and public exposure,
- Companies and individuals with poor compliance histories,
- Soil fumigations near sensitive sites for start to finish monitoring, and

- Landscaping and structural businesses.

Staff will continue to participate in CDPR and Department sponsored trainings. Staff will continue using the CDPR inspection procedures and laws and regulations compendia for reference and will continue to participate in the DPR EBL oversight inspections.

### **Planned improvements**

- Inexperienced/unlicensed staff will continue to work in the field with more experienced/licensed staff, supervisors, and deputies.
- Inspectors will continue to conduct monitoring inspections using mobile devices with CalPEATS.
- Supervisors and Deputies will track inspections, compliance, and enforcement using CalPEATS to ensure inspection completion and standardization with DPR compendium volume 4.

### **Goals and Projected Deliverables**

- Plan to complete 400 inspections annually, prioritizing inspections on applications that are more toxic, that have formulations more prone to issues such as dust and fumigants, or utilize application methods such as air blast or aerial that are prone to off sight movement. The department will also focus inspections on field worker and applicator protection, including mixing/loading activities of chemicals requiring closed system.
- Provide prompt regulatory feedback when non-compliances are noted by discussing the inspections with growers or managers whenever a non-compliance is noted on an inspection.
- Conduct follow-up inspections as required.
- Provide education, compliance strategies and CDPR compliance handouts.
- Attend the Central Coast Roundtable Fumigant Meetings as scheduled.

### **Measures of Success**

The success of the Compliance Monitoring program is measured by a licensed, trained, and knowledgeable staff that will meet the inspection goals. It is also measured by inspections of all cross-sections of the stakeholders that provide complete and accurate information to support compliance or enforcement and ensure environmental justice to all Californians. Inspections will identify areas of non-compliance that need corrective action and will result in the regulated community's awareness of the pesticide laws and regulations.

### **Investigations:**

#### **Current Status**

The Department started investigations into approximately 60 pesticide-use related complaints in 2022. Staff use the Investigation Compendium and also work with the DPR EBL during the investigation process. Complaints originate from a variety of sources including the public, employees in agriculture, DPR, and other governmental agencies. The majority of complaints involve issues around odor, alleged pesticide drift, agricultural/urban interface areas, antimicrobial use, and the use of fumigants.

The Department continues to work with the County Planning and Development Department to review and when appropriate, comment on land use documents for planned development near agricultural areas to attempt to reduce future ag-urban conflicts. The Department also assists in investigating wildlife poisoning incident reports from outside agencies, over-tolerance investigations from DPR and

uses CalPEATS to accurately track investigations.

### **Planned Improvements**

- The Department will continue to utilize CalPEATS to track investigations and will continue to evaluate our investigation processes to insure investigations are completed in a timely manner.
- The Department will continue to provide training to staff regarding the investigative process, sample collection, and report writing, to ensure consistency with CDPR Compendium volume 5.
- The Department will continue to communicate and work with CDPR on priority investigations and or investigations needing CDPR assistance.

### **Goals and Projected Deliverables**

- Investigate all complaints related to pesticide exposure and misuse from all sources according to the CDPR policies and procedures, and produce investigative reports that meet CDPR guidelines.
- Participate in training opportunities offered by CDPR and provide customized in-house staff training.
- Have all staff attend the Cal/EPA Basic Inspector Academy.
- Identify priority investigations and ensure they are completed according to the Cooperative Agreement between EPA, CDPR and CACASA.

### **Measures of Success**

The success of the Investigation program will be measured by comprehensive investigations addressing all of the elements of investigation and that address the cause of the incident with sufficient evidence for possible administrative action.

### **Enforcement Response:**

#### **Current Status**

The Department promotes and influences compliance of pesticide laws and regulations in part through enforcement actions. In CY 2022 the Department wrote 40 Decision Reports and issued 24 Notices of Proposed Actions (NOPAs).

Inspections with violations are reviewed with the Supervisors, Deputies, and Assistant Commissioner prior to submitting to the Commissioner for final review and issuance. This review process, which also includes a review of the respondent's compliance history, ensures the violations are properly classified and that the Department's actions are consistently based on evidence evaluation and the enforcement response regulations.

The Department provides CDPR with Decision Reports within 60 days of the date of the incident, NOPAs, hearing requests, case referrals to other agencies, and enforcement summaries. The Department also confers with the CDPR EBL as necessary and regularly participates in quarterly Pesticide Use Enforcement Southern Deputy meetings to ensure appropriate and consistent enforcement responses. Enforcement and compliance actions are tracked in CalPEATS. Staff regularly attend training on pesticide laws and regulations, DPR policy and Compendiums, evidence evaluation, and the enforcement decision making process.

### **Planned Improvements**

- Continue enforcement meetings with the Department's leadership team, including the Assistant Agricultural Commissioner.
- Continue to consult as necessary with the EBL on enforcement actions.

### **Goals and Projected Deliverables**

- Identify and collect evidence for evaluation to adequately classify and address violations for enforcement response.
- Ensure all enforcement issues are addressed promptly and supported by documented evidence.
- Ensure staff has the training and knowledge to document violations completely and accurately.
- Apply enforcement actions consistently and fairly.

### **Measures of Success**

The success of the enforcement response program is measured by enforcement responses that are effective in modifying the violators' behavior and encourage compliance with laws and regulations. The Department's enforcement responses will be based on the requirements of the California Code of Regulations, title 3, sections 6128 and 6130, as well as Food and Agricultural Code section 12999.5. Decision reports will be completed within the 60 day requirement, violations will be correctly classified, and proposed actions will follow the requirements in FAC 12999.5 to ensure due process for those charged with violations. Staff will accurately collect and evaluate evidence to support or refute violations. The department will propose enforcement actions in the correct class and provide additional compliance strategies to reduce future violations by repeat violators.

### **Priorities and Other Pesticide Regulatory Activities:**

#### **Soil Fumigant Use Compliance**

Soil fumigations have presented an increasing workload, particularly for the Santa Maria and Buellton offices, with the number of soil fumigations increasing in the county in each of the past 4 years, both in the number of fumigations and in the total acres fumigated. The Department conducts pre-application inspections on approximately 50 percent of all fumigations. Once a year, the Department participates in roundtable discussions with other coastal counties and CDPR staff representatives. The group focuses on fumigant use and conditions as they specifically apply to the coastal counties. The Department conducted fumigation use inspections on 10-15% of the field fumigations that occurred each year between 2020-2022, and will continue to conduct use inspections on approximately 15% of field fumigation applications.

#### **Chemigation Backflow Prevention**

Additionally, as the majority of chemigation applications in the county are field fumigation chemigations, Department staff place special emphasis on inspecting the status of backflow prevention during field-fumigation pre-application inspections, and on ensuring that the backflow prevention being used follows label and regulatory requirements. The Department provides training for new staff

specifically on chemigation valves and backflow prevention.

### **Revised Laws and Regulations**

The Department stays abreast of new and revised laws and regulations, and provides outreach (English and Spanish), education, and training to both industry and staff regarding any changes. The Department includes information on new and revised laws and regulations to industry during both yearly continuing education classes, monthly newsletters, as well as during individual permit renewals. The Department also provides ongoing training to staff working in the pesticide use enforcement program to keep them informed of any changes or additions to pesticide use laws and regulations. This includes ensuring staff are trained on the upcoming changes regarding Private Applicator Certificate issuance and requirements, as well as other licensing changes impacting certified applicators.

### **Alternatives and Mitigations Worksheet for Restricted Materials**

The Department requires that applicants for restricted materials permits consider both alternatives to and mitigations for Restricted Material pesticide use, and requires that applicants document this on an Alternatives and Mitigations Worksheet which is kept with each restricted materials permit. The Department will continue to require the completion of these worksheets for restricted material permit applicants, as well as will provide outreach to industry during our annual continuing education classes regarding potential alternatives to and mitigation of the use of restricted materials.

### **Updated Paraquat Labeling Compliance**

The number of restricted materials permits for Paraquat that the County issues has declined in recent years. The Department provided multiple trainings on the new Paraquat requirements when they went into effect, and requires specific conditions on all permits for the use of Paraquat that require handlers be both certified applicators and have completed US EPA training within the past 3 years, and also require applicators follow the US EPA interim decision mitigation measures for all paraquat applications. Additionally, the Department requires proof of the US EPA training prior to issuing permits for Paraquat use, and permits are checked for adherence to the above county requirements prior to the approval of NOIs.

### **Pesticide Use Near Schools**

Regulations regarding pesticide use near schoolsites impact the timing of pesticide applications near schools, especially for air blast applications and fumigations, as well as require additional notifications for agricultural pesticide users. Department staff work to ensure that field fumigations follow the ¼ mile distance restrictions, which results in a higher number of field fumigations on Friday evenings and weekends. This leads to a lengthening of some applications over multiple weekends, as well as can require staff work overtime or at non-standard hours to inspect these applications and ensure they are made in compliance with laws and regulations. Additionally, the Department provides outreach and education regarding schoolsite notification requirements during issuance and renewal of operator identification numbers and permits, as well as throughout the year to ensure growers both know and follow notification requirements and are able to navigate the CalAgPermits schoolsite notification interface.

### **Environmental Justice Initiatives and Outreach**

To ensure that all groups, regardless of racial, ethnic or socioeconomic groups have an opportunity to participate in the regulatory process, the Department conducts outreach and continuing education in Spanish and English. For some events, such as Spray Safe, a translator provides translation from English

to Spanish. Department announcements to industry and pesticide use enforcement forms such as handler training forms are provided in Spanish. Several of our staff are bi-lingual and bi-cultural which enables the department to communicate with our Spanish speaking community and conduct inspections and investigations in Spanish.

### **Compliance for Cannabis Cultivators**

The County has a large number of cannabis cultivators, many of whom are still relatively new to the regulatory framework surrounding pesticide use in California. The Department works to ensure compliance with pesticide laws and regulations by cannabis cultivators. The Department provides continuing education courses each year designed specifically for cannabis cultivators and also provides outreach and compliance assistance to cannabis cultivators during the issuance of operator identification numbers.

The Department has conducted pest control headquarters inspections with the majority of cannabis cultivators in the County, conducts fieldworker safety and pesticide use monitoring inspections when feasible during routine staff surveillance, and will continue to inspect cannabis cultivators similarly as other agricultural operations. Additionally, the Department provides technical assistance for cannabis cultivators regarding pesticide labeling compliance, and works with our Enforcement Branch Liaison and DPR on labeling interpretation for pesticide use on cannabis.

### **Regulatory Training for County Staff**

The Department provides continuing and ongoing regulatory training for all county staff working in the pesticide use enforcement program; this includes attendance at trainings given by CDPR staff covering topics including restricted materials permitting and CDPR Compendium volume 3, and pesticide use and headquarter inspections and Compendium volume 4. In addition to these, Department Supervisors and Deputies provide county-wide training for all staff yearly prior to winter permit renewals on restricted materials permitting, alternatives and mitigations requirements, and updates to regulations and permit conditions. The Department also provides staff-wide trainings to ensure standardization of investigations and compliance with the investigation and report-writing procedures detailed in Compendium volume 5.

### **Outreach and education for community/stakeholder engagement**

The Department provides a written monthly summary and presents at the Agricultural Advisory Committee, a 12-member committee consisting of representatives from the agricultural industry. In addition, the department regularly attends the monthly County Farm Bureau meetings and commodity group meetings and periodically speaks at local educational institutions, Rotary Clubs, gardening clubs, and other public forums when invited. Topics include Department/DPR/USEPA news, regulatory updates, upcoming training events and pesticide resources.

### **Regulatory outreach and education.**

The Department provides educational outreach and compliance assistance to our stakeholders including licensees, growers, pesticide handler employees and fieldworkers, as well as the public at speaking engagements for industry groups such as CAPCA, PAPA, and Target, plus at permit/OIN issuance, tailgate trainings and continuing education classes hosted by the Department in English and Spanish. Topics covered include upcoming regulatory changes (such as revisions to the PAC, QAL, and QAC categories and requirements), respiratory protection regulations, common violations the

Department encounters and how to prevent them, pesticide handler and fieldworker training requirements, pesticide handler and fieldworker hazard communication requirements, utilizing Integrated Pest Management, drift mitigation, schoolsite notification requirements, and others. These training and presentations are offered in English and Spanish.

Department staff also provide a number of one-on-one or small group informational sessions on a variety of topics as needed by growers and other stakeholders. Additional outreach and compliance assistance are given to persons when violations of laws and regulations are found.

Working together with the Santa Barbara County Farm Bureau, and drawing on the expertise of and presentations from CDPR, County Fire, UC Cooperative Extension, and local growers and pest control businesses, the Department will again assist with and support the Spray Safe program in the spring of 2023. Typically hundreds of applicators attend and Spanish translation is provided through special headsets. The goals of this program are to reinforce safe pesticide application procedures, encourage communication between neighbors and amongst adjacent growers, offer training to improve application practices with a focus on public and worker safety, and to provide an annual forum in which growers, applicators and agricultural officials can discuss pesticide regulations, issues, and concerns.

Schools located in close proximity to agricultural operations will continue to be targeted for specific outreach. Staff strives to facilitate communication between the schools and growers. All parties are urged to frequently discuss concerns regarding potential impacts to each other and cooperate together to prevent conflicts in these sensitive areas.

The department also hosts a website and publishes a quarterly newsletter; these share information about pesticide use issues, upcoming training, new regulations, and provide additional resources such as pesticide training form templates, and links to DPR's upcoming regulatory updates. The newsletter is distributed to growers, shippers, packers, pest control businesses, community groups, the public, and other county departments.

#### **Air Monitoring**

The Department will continue the contract with DPR to conduct air monitoring activities at an air monitoring station, currently located at Bonita School in Santa Maria. Staff has been trained by DPR and visits the site twice a week to exchange the air sampling cartridges and ship them to the DPR Environmental Monitoring Branch laboratory for analysis.

**California Department of Pesticide Regulation  
And  
Santa Barbara County Agricultural Commissioner Weights and Measures Office**

**Department of Pesticide Regulation**

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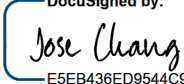
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Title: Environmental Program Manager I

Date: May 16, 2023

**Santa Barbara County Agricultural Commissioner Weights and Measures Office**

Name: Jose Chang

Signature:  E5EB436ED9544C9...

Title: Agricultural Commissioner/Sealer

Date: 5/9/2023 | 1:48 PM PDT