

Department of Pesticide Regulation

FY 2002/2003 Prioritization Plan

SUGGESTED COUNTY AGRICULTURAL COMMISSIONER PERFORMANCE MEASURES

I. COMPLIANCE IMPROVEMENT

1. **Improve statewide compliance with personal protective equipment requirements in 3CCR and on pesticide labels.**
 - a) Address Compliance Assessment recommendations directly applicable to county.
 - b) Implement outreach programs that include information on employer liability to enforcement action.
 - c) Implement inspection strategies which target violators and acknowledge good compliance.
 - d) Document violations and take enforcement action according to state guidelines.

2. **Improve statewide compliance with field worker safety regulations and related pesticide label requirements such as hazard communication and display of application specific information.**
 - a) Perform field worker safety inspections in conjunction with headquarter record inspections.
 - b) Address Compliance Assessment recommendations directly applicable to county.
 - c) Implement outreach programs that include information on employer liability to enforcement action.
 - d) Implement inspection strategies which target violators and acknowledge good compliance.
 - e) Document violations and take enforcement action according to state guidelines.

3. **Improve statewide compliance with closed system requirements. Increase DPR and CAC understanding of the sources of closed system compliance problems.**
 - a) Implement outreach programs that include information on employer liability to enforcement action.
 - b) Document engineering incompatibilities between closed systems and pesticide containers and/or labeling and provide to DPR.
 - c) Document violations and take enforcement action according to state guidelines.

4. **Improve statewide compliance with backflow prevention regulations.**
 - a) Implement outreach programs that include information on potential environmental impacts and enforcement action.
 - b) Implement inspection strategies which target violators and acknowledge good compliance.

5. **Reduce the number of pesticide drift incidents that result in human exposure, environmental contamination, or property damage.**
 - a) Implement outreach programs which include information on enforcement action.
 - b) Develop permit conditions to address sensitive areas.
 - c) Develop pre-application and application inspection plans to address sensitive sites.

6. **Improve statewide compliance with chemigation requirements.**
 - a) Implement outreach programs that emphasize the unique requirements of chemigation as an application method and include information on enforcement actions.
 - b) Document violations and take enforcement action according to state guidelines.
 - c) Implement a focused activity for Chemigation Compliance based on the Chemigation Compliance Evaluation developed by the Environmental Monitoring Branch (enclosure).

II. PROGRAM DEVELOPMENT

1. **Improve statewide consistency in conducting Pest Control Use Monitoring and Record Inspections and follow-up activities, including inspections and enforcement actions.**
 - a) Review civil penalty program for compliance with Enforcement Guidelines.
2. **Improve the consistency, timeliness, and quality of county investigations statewide.**
 - a) Complete all episode investigations within 120 days or notify Senior (PRENF –097).
 - b) Complete all priority episode investigations within 60 days or notify Senior.
 - c) Reduce the number of episode reports returned for correction by DPR staff.
 - d) Review past sample and evidence collection problems and address.

3. **Maintain monitoring of fumigant applications.**
 - a) Continue implementation of the Methyl Bromide Risk Management Plan (June 22,2001).
 - b) Prioritize pre-application and application inspections of fumigations near sensitive sites.

4. **Implementation of Site Identification Procedures.**
 - a) Implement site identification procedures developed by the Permit Mapping Developer's Group for both geographic information systems (GIS) and non-GIS systems.

III. TRAINING INITIATIVES

1. **Coordinate with the Liaison and Evaluation Senior to develop and implement a program to use DPR/CAC training modules to meet training needs for the year based on pesticide activity and Compliance Assessment data.**
2. **Incorporate training provided by contract hearing officer to improve investigation case files and ACP hearing presentations.**
3. **Review episode reports and provide investigation planning training and individual training where necessary.**

DEPARTMENT OF PESTICIDE REGULATION **PERFORMANCE MEASURES**

I. COMPLIANCE IMPROVEMENT

1. **Improve statewide compliance with personal protective equipment requirements in 3CCR regulation and on pesticide labels.**
 - a) DPR outreach program:
 - i) Determine causes/types of PPE violations to target statewide outreach efforts to sources of problems.
 - ii) Assist commissioners in developing outreach programs.
 - iii) Distribute outreach programs developed by commissioners through the Focused Activities.
 - b) Review and revise inspection forms and procedures.
 - c) Focus DPR overviews on counties with lowest overall compliance.
 - i) Utilize the Compliance Workgroup to review and analyze overview inspections.
 - d) Promote Worker Health and Safety Branch's Pesticide Workplace Evaluation Program.
2. **Improve statewide compliance with field worker safety regulations and related pesticide label requirements such as hazard communication and display of application specific information.**
 - a) DPR outreach program:

- i) Determine the causes and types of field worker safety violations to better target efforts.
 - ii) Focus on grower/industry groups and employee organizations.
 - iii) Collaborate with public entities, such as the University of California, local health departments, and commissioners.
 - b) Inspection procedures review:
 - i) Survey commissioners for input prior to review.
 - ii) Review/revise Inspection Procedures.
 - c) Focus DPR overview inspections on field worker safety inspections in counties with lowest overall compliance.
 - i) Utilize the Compliance Workgroup to review and analyze overview inspections.
- 3. Improve statewide compliance with closed system requirements. Increase DPR and commissioner understanding of the sources of closed system compliance problems.**
- a) Survey commissioners for input prior to development of closed system training module.
 - i) Review Pesticide Safety Information Series.
 - b) Request documentation of engineering problems from the commissioners. The Enforcement and Worker Health and Safety Branches will use this information to pursue the closed system engineering and pesticide labeling problems at the state and national levels.
- 4. Improve statewide compliance with backflow prevention regulations.**
- a) Focus on backflow prevention in both outreach and enforcement activities.
- 5. Reduce the number of pesticide drift incidents that result in human exposure, environmental contamination, or property damage.**
- a) Drift Issues Workgroup (commissioner and DPR members):
 - i) Develop draft drift prevention regulations.
 - ii) Review new technology and stewardship programs.
 - b) Drift Initiative Work Group (DPR staff):
 - i) Propose revisions to drift regulations after US EPA issues final drift PR Notice.
 - c) Procedural Manuals:
 - i) Review Investigation and Sampling Procedure Manual to include procedures specific to drift incidents, including complaint response.
 - d) DPR overview of commissioners investigations.
 - e) Investigation procedures training:
 - i) Provide commissioners investigation support as needed.
 - ii) Prioritize training for new commissioner staff or based on DPR's investigation reviews.

6. Improve statewide compliance with chemigation requirements.

- a) Provide assistance to the Environmental Monitoring Branch with chemigation training for the commissioners.
- b) Emphasize the unique requirements of chemigation as an application method.
- c) Promote uniform enforcement for violations of chemigation requirements.
- d) Encourage and support selected counties to include the Chemigation Compliance Evaluation developed by the Environmental Monitoring Branch in their Negotiated Work Plan as a focussed activity (Chemigation Compliance Evaluation enclosed).

II. PROGRAM DEVELOPMENT

1. Improve statewide consistency in conducting Pest Control Use Monitoring and Record Inspections and follow-up activities, including inspections and enforcement actions.

- a) Review and revise existing policies and inspection procedures.
- b) DPR overview activities.
 - i) Overview both new and experienced commissioner staff members in balanced manner.
 - ii) Use information from overviews, county evaluations, and compliance assessment to assess commissioner training needs:
- c) Provide training where need exists and DPR resources are available.
- d) Develop databases capable of identifying statewide compliance trends (violation, enforcement, and compliance activity tracking).

2. Improve the consistency, timeliness, and quality of investigations statewide.

- a) Investigation training:
 - i) Review current investigation procedures.
 - ii) Evaluate the value of a “train the trainer” program for commissioners.
- b) DPR oversight:
 - i) Conduct overview activities in a uniform manner.
 - ii) Develop an interbranch process to document results of DPR investigation reviews (i.e., rate investigations were returned to the commissioners and why).

3. Implementation of Site Identification Procedures

- a) DPR will assist the commissioners in converting to the new procedures upon request.
- b) DPR will evaluate the PUR data for improvements in data accuracy and investigate methods to improve compliance with reporting requirements.

III. TRAINING INITIATIVES

1. Written Policy Review

DPR will prioritize the review, revision, and consolidation of all written policies and procedures. DPR is committed to making DPR information widely available through hard copy and over the external Web site. Commissioners should document any problems they encounter implementing written policies and procedures and provide written recommendations for specific improvements.

2. Implementation of new Ground Water Protection Regulations

DPR will conduct outreach and training to prepare the commissioners for the next phase of ground water protection starting in January 2004 (change from pesticide management zones to ground water protection areas and increased mitigation measures). The commissioner will need to estimate and track new duties to develop new funding sources.

3. Other Training Goals

- a) Investigation procedures training.
 - i) Prioritize training for new commissioner staff or based on DPR's investigation reviews.
- b) Evaluate the value of a "train the trainer" program for commissioners.
 - i) Revise and update existing training modules.
 - ii) Develop procedures specific to drift incidents, including complaint response.
 - iii) Develop a closed system training module.
- c) Use inspection overview information to assess commissioner training needs:
 - i) Provide training where need exists and DPR resources are available.