

Glossary

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Introduction This glossary is intended to help clarify and understand terms and acronyms the reader may see reviewing county enforcement work plans.

Active ingredient: The chemical(s) in a pesticide product that kill or otherwise control target pests.

Agricultural use (application): Agricultural use is any pesticide use other than industrial, institutional, home, or structural use.

As it pertains to pesticide use reporting, California has a broad legal definition of “agricultural use,” so the reporting requirements include pesticide applications to parks, golf courses, cemeteries, rangeland, pastures, nurseries, and along roadside and railroad rights-of-way. In addition, all post-harvest pesticide treatments of agricultural commodities must be reported, along with all pesticide treatments in poultry and fish production, as well as some livestock applications. The primary exceptions to the full use reporting requirements are home and garden use and most industrial and institutional uses. (See *Non-agricultural use*.)

California Agricultural Commissioners and Sealers Association (CACASA): An organization representing the county agricultural commissioners, who, among other duties, handle local enforcement of pesticide laws and regulations. The county agricultural commissioners and sealers promote and protect the agricultural industry, the environment, and the public through the local enforcement of federal, state, and local agricultural and weights and measures laws and regulations.

California Environmental Quality Act (CEQA): California’s principal statute mandating environmental impact review of development projects within the state and applies, generally, to all state and local agencies and to private activities that the agencies finance or regulate.

Civil penalty: An administrative action taken by the county agricultural commissioner in response to a violation of the law or regulations. They include agricultural and structural civil penalties (monetary fines).

Compliance action: An action taken by the county agricultural commissioner in response to a violation of the law or regulations. Examples of compliance actions include violation notices, warning letters, documented compliance interviews, and noncompliance(s) noted on an inspection form. A compliance action also includes public protection actions such as cease and desist orders (by itself), seize or hold product or produce orders, and prohibit harvest orders.

Compliance monitoring: Generally includes inspections and investigations conducted by the counties and DPR to track industry compliance with federal, state, and local laws and regulations. They allow county agricultural commissioners to identify and respond to potential hazards to workers, the public, and the environment.

Core program elements: Three related areas critical to meeting pesticide regulatory program mandates and strategic goals: restricted materials permitting, compliance monitoring, and enforcement response.

County agricultural commissioner (CAC): A county department head appointed by the county board of supervisors and licensed by the State of California to carry out various state and county agricultural, environmental, and pesticide worker safety and consumer protection programs, including local responsibility for pesticide use enforcement.

Decision report: A written explanation and record of a county agricultural commissioner's decision not to take an enforcement action in accordance with the standards outlined in the enforcement response regulations (Title 3, California Code of Regulations section 6128). A decision report must be submitted to the Director within 30 days of the date of the compliance action. If the Director does not concur with the commissioner's decision, the Director shall notify the commissioner within 30 days of the receipt of the decision report and specify reasons for the denial. The commissioner shall then take an enforcement action.

Enforcement action: An action taken by the county agricultural commissioner in response to a violation of the law or regulations. They include agricultural and structural civil penalties (monetary fines); the suspension or revocation of a business's county registration, a private applicator's certificate to apply or supervise the use of a restricted material, and a property operator's restricted materials permit; and civil and criminal court action. An enforcement action must provide the respondent/violator with notice and an opportunity to be heard before a sanction or penalty is enforced.

Enforcement Branch Liaison (EBL): DPR's Enforcement Branch staff person assigned to a specific county. The EBL is the county agricultural commissioner's primary point of contact concerning the implementation, oversight, and evaluation of the local pesticide use enforcement program.

Enforcement response: Legal requirement for DPR and the county agricultural commissioners to apply enforcement authority fairly, consistently, and swiftly in order to realize the full benefit of a statewide pesticide regulatory program. Enforcement response is one of three core program elements. There are two types of enforcement responses -- compliance actions and enforcement actions.

Enforcement response regulations: Title 3, California Code of Regulations sections 6128 and 6130 specify the appropriate and required enforcement responses/actions (section 6128) that county agricultural commissioners must take for specific classes of violations (section 6130) in specific situations. The regulations strengthen environmental enforcement and improve statewide consistency of enforcement responses used by the counties.

Inspection: Checking or testing of an individual against established standards. Inspection and Investigation are components of *compliance monitoring*, one of the three core program elements. County agricultural commissioners inspect agricultural and structural pesticide use, field worker activity, and grower and pest control business records. They also perform pre-application site evaluations for restricted material pesticide use.

Investigation: To make a systematic examination, *especially:* to conduct an official inquiry. Inspection and investigation are components of *compliance monitoring*, one of the three core program elements.

Mill assessment: A fee assessed on pesticide products per dollar of sales for all sales of registered pesticides for use in California pursuant to Food and Agricultural Code section 12841. Funds are used to support the pesticide regulatory program.

Multi-year permit: A restricted materials permit that may be issued for up to three years for perennial crops (orchards, vineyards, alfalfa, etc.), non-production agricultural sites (post-harvest commodity fumigation, landscape maintenance, forests, etc.) and non-agricultural sites (non-food/non-feed commodity fumigation, structural pest control, public health vector control, and rights-of-way).

Non-agricultural use (application): Includes the sale or use of pesticides in properly labeled packages or containers intended for home use (including residential) labeled with directions in “per square feet;” structural pest control use where no agricultural commodity is involved; industrial or institutional use; control of an animal pest under the written prescription of a veterinarian; and local districts or public agencies working under a cooperative agreement with the Department of Health Services, with approval of the Director. As it pertains to pesticide use reporting, structural pest control operators, professional gardeners, and other non-agricultural pest control operators had to report all pesticide use under the earlier regulations; these requirements did not change under the full use reporting program.

Non-core program: DPR and county agricultural commissioner activities that are not one of the three core enforcement program elements. They include significant achievements, accomplishments, and improvements made by the county agricultural commissioner in areas such as outreach and training, technological improvements and program analysis efforts, licensee registration/notification program, and residual mill fund projects.

Notice of intent (NOI): An oral or written notification required to be submitted to the county agricultural commissioner at least 24 hours before the use of a pesticide on a restricted materials permit.

Notice of proposed action (NOPA): A document used to inform the respondent of the enforcement action that the county agricultural commissioner intends to take, offering the respondent an opportunity to be heard.

Operator identification number (OIN): Before purchase and use of an agricultural use pesticide, the property operator (or his/her authorized representative) is required to obtain an OIN from the county agricultural commissioner where pest control work is to be done. The property operator must also provide each pest control business applying pesticides to his/her property with his/her OIN.

Performance evaluation: DPR's evaluation of each county's pesticide use enforcement program, done at least every three years. The evaluation measures the county's effectiveness in implementing state programs recognized in statute or regulation, or agreed upon by the county and DPR as an essential program element. DPR and the county agricultural commissioner jointly develop and document corrective actions to improve the county's pesticide use enforcement program in the program areas identified in the performance evaluation report. Should a county agricultural commissioner fail to implement the jointly developed corrective actions or an agreement on corrective actions cannot be reached, DPR is authorized to improve the pesticide use enforcement program in the county. The measures may include, but are not limited to, a reduction of the county's annual mill assessment allocation.

Permit condition: California's unique permitting system gives county agricultural commissioners the flexibility to ensure that controls are tailored to the local area, the pesticide, and the application method. County agricultural commissioners routinely put necessary restrictions on permits. DPR develops suggested permit conditions to assist them. Based on DPR's scientific evaluation, the suggestions are measures considered necessary to protect people and the environment from a statewide perspective. The county agricultural commissioners use this information, with their knowledge of local conditions, to develop controls suitable for each site at the time of application. Conditions include, but are not limited to, descriptive requirements, limit/numeric, or schedule/date.

Pesticide use reporting: People who use pesticides in agriculture must file detailed reports with the local county agricultural commissioner's office. Each report includes the location and the pesticide applied. The same reporting requirement applies to commercial pesticide applications to post-harvest commodity fumigations, golf courses, cemeteries, parks, landscape maintenance, public health vector control, structural pest control, rights-of-way, and fumigation of non-food/non-feed commodities.

Private applicator: A person who uses or supervises the use of a restricted material for the purpose of producing an agricultural commodity on property owned, leased, or rented by him/her or his/her employee. A private applicator can also be a householder who uses or supervises the use of a restricted material outside their residence to control plant or turf pests on residential property owned, leased, or rented by the householder.

Restricted materials: Pesticides, with certain exceptions, that may be possessed or used only by or under the supervision of licensed or certified persons, and only in accordance with an annual permit issued by the county agricultural commissioner. The county agricultural commissioner may require users to employ specific use practices to mitigate potential adverse effects, or may deny the permit with cause. Permits must be specific as to site and time of application and are

usually issued for a season or year, although some permits are issued for up to a three-year period.

Restricted materials permit: A permit issued by the county agricultural commissioner to possess or use a restricted material. (See *Restricted materials*.)

Restricted materials permitting: DPR and the county agricultural commissioners must assure that the restricted materials permit system protects people and the environment, while allowing for effective pest control. This is one of three core program elements.

Site evaluation: A pre-application site inspection by the county agricultural commissioner, before a pesticide application, of an area no larger than the property operator's contiguous property and no smaller than one crop location. California regulations require on-site monitoring of a minimum of five percent of the permitted agricultural use sites; non-agricultural use permit holders must have either a site evaluation or site inspection annually.

Surveillance hours: Time required to complete a surveillance of a person or business suspected of committing a violation of law or regulations.

Unclaimed gas tax distribution: State funds allocated to the counties by the California Department of Food and Agriculture as partial reimbursement for county expenses to carry out agriculture-related programs authorized under the Food and Agricultural Code. These programs include pesticide use enforcement activities supervised by the Department of Pesticide Regulation and carried out by the county agricultural commissioners.

Violation notice: A written document that identifies the violator, location and date of violation, and applicable laws or regulations. A violation notice is typically a form, but may be presented in letter format. A violation notice is a compliance action. Also known as a notice of violation.

Warning letter: A written document that identifies the violator, county agricultural inspector/biologist, location and date of occurrence, and applicable laws or regulations. A warning letter is typically in letter format, but may also be noted on a form. A warning letter is a compliance action. Also known as a warning notice or notice of warning.

Work plan: County work plans identify state, regional, and local compliance problems, emerging issues, and measurable solutions based on available resources. County agricultural commissioners develop annual work plans that detail their county's priorities in improving enforcement, compliance, and permitting (core program elements). The work plans have clearly stated goals and performance measures, balancing DPR's statewide enforcement priorities¹ with local conditions unique to each county.

¹ For additional information, see <http://www.cdpr.ca.gov/docs/enfcmpli/penfltrs/penf2006/2006014.htm>.