County of Santa Cruz

OFFICE OF THE AGRICULTURAL COMMISSIONER

KEN CORBISHLEY

AGRICULTURAL COMMISSIONER
SEALER OF WEIGHTS AND MEASURES
DIRECTOR, MOSQUITO AND VECTOR CONTROL

SANTA CRUZ COUNTY

PESTICIDE USE ENFORCEMENT WORK PLAN 2011

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2011

COUNTY RESOURCES:

PERSONNEL

06/07

- 4 full time Agricultural / Weights&Measures Inspectors @ 100% (**4 Inspectors**)
- 1 full time Deputy Agricultural Commissioner - PUE Supervisor @ 50%
- 1 full time Agricultural Commissioner - PUE issues @ 30%

07/08

- 4 full time Agricultural / Weights&Measures Inspectors @ 100% (**4 Inspectors**)
- 1 full time Deputy Agricultural Commissioner - PUE Supervisor @ 50%
- 1 full time Agricultural Commissioner - PUE issues @ 30%

2009

- 4 full time Agricultural / Weights&Measures Inspectors @ 75% (**3 Inspectors**) (3 experienced inspectors and 1 new unlicenced inspectors)
- 1 full time Deputy Agricultural Commissioner - PUE Supervisor @ 25% (Deputy was on FMLA for 3 months in 2009).
- 1 full time Agricultural Commissioner - PUE issues @ 30%
- County experienced furloughs of 5% for inspectors and 7.5% for management

2010

- 4 full time Agricultural / Weights&Measures Inspectors @ 75% (**3 Inspectors**) (4 experienced and licensed inspectors)
- 1 half time Deputy Agricultural Commissioner - PUE Supervisor @ 40% (Deputy was on FMLA half time for 7 months in 2010).
- 1 full time Agricultural Commissioner - PUE issues @ 30%
- County will continue furloughs and may increase them to 7.5% and 10%

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2011

- 3.5 full time Agricultural / Weights&Measures Inspectors @ 75% (**2.6 Inspectors**) (3 experienced and licensed inspectors, and a fourth that is brought in part of the year)

- 1 full time Deputy Agricultural Commissioner - PUE Supervisor @ 40%
- 1 full time Agricultural Commissioner (on FMLA for part of the year) and 1 part time acting Agricultural Commissioner - PUE issues @ 30%

County will continue furloughs and at 5.0% for staff and 7.5%for management, and may increase these to 10-15%.

With furloughs and other work assignments the staff is now equivalent to 2 PUE inspectors.

Because of the uncertainty with regard to fumigant labels and regulations, the county will be delaying the issuance of restricted material permits until later in the year. This will result in the necessity for a second appointment with the permittees.

Additionally, the increased public interest in fumigants as well as the approval of methyl iodide and a change in labeling for all fumigants will result in an increased workload this year.

The smaller staff and this increased workload will result in fewer inspections during 2011.

A) RESTRICTED MATERIAL PERMITTING:

1) PERMIT EVALUATION:

- Approximately 350 restricted materials permits are issued annually.
- Restricted Material Permits are issued for periods of one to three years to the property operators.
- All permitted sites are evaluated prior to the issuance of the permit utilizing the GIS and local knowledge.
- Each site is identified in GIS down to the field level. Various other layers identify sensitive areas such as schools, parks, properties, waterways, endangered species habitat, school bus stops, public bus stops, and complaints.
- Inspectors ensure that permit applicants are qualified, usually through Private Applicator Certification, and applicants understand the hazards of each material they propose to use.
- Inspectors evaluate the permit applications along with reviewing IPM methods that the applicant has tried, any environmental hazards, and the applicants' knowledge of the materials and hazards.
- Before issuing a permit, the inspector reviews the applicants file for compliance history, and use reports to evaluate past pesticide use. A binder of relevant information is available to assist the inspector in evaluating the information.
- Permits are issued individually and usually require appointments of one or two hours.
- A Notice of Intent to use a restricted pesticide is required and each proposed application is evaluated.
- Continuing education was provided on laws and regulations and over 200 growers attended sessions that the department participated in.
- Because of the changes in label and regulations, all fumigants will be removed from the restricted materials permits and issued later in the year after more information is available. This will allow a more thorough review, but will take much more time.

GOALS:

- The computer system and GIS system will be continually improved and information added to the GIS layers.

IMPLEMENTATION:

- The permit issuance binders used by each inspector are continually updated and improved by incorporating regulation changes and other information.
- The handouts given to operators were revised to make them more up to date.

2) SITE EVALUATION:

- Notices of intent are received by fax or in person.
- There are approximately **1600** applications of restricted materials intended each year.
- All notice of intents are reviewed by an inspector for accuracy, compliance with the permit, pesticide label requirements, and environmental hazards. Denials are documented and tracked.
- Preapplication inspections are performed on over 250 of the notice of intents received, or approximately **20%**, which exceeds DPR's recommendation of **5%**. This high number is because preapplication inspections are done on nearly 100% of proposed fumigant applications, which are considered a priority activity.
- The need for a preapplication inspection is based on the surrounding environment, distances to sensitive areas, complaint history, application method, pesticide hazard, applicator, and commodity.
- Inspectors attempt to get a cross section of application types based on crop, grower, and material when choosing applications to inspect.
- Inspectors evaluate their site monitoring activities for strengths, weaknesses, areas for improvement and meet regularly to share information on crops and hazards.

GOALS:

- Continue to maintain this high level of quality on site evaluation work especially in regards to fumigants.
- Adapt to changes in regulations for evaluating sites.

IMPLEMENTATION:

- Incorporate fumigant worksite plan and NOI changes to accommodate regulation changes.
- Evaluate ideas on improving efficiency in order to handle increases in workload with decreases in staff.
- Address issues of endangered species and waterway contamination with site evaluations.
- Target applications where changes have occurred on labeling or in regulation to verify compliance.
- Develop methods of adopting new fumigation requirements.

B) COMPLIANCE MONITORING

1) INSPECTIONS:

	05/06	06/07	07/08	08/09	09/10
Application:	121	105	125	79	45
Mix/Load:	57	41	45	33	17
Records:	43	27	82	39	45
Structural:	10	1	1	4	1
Field worker:	22	34	23	26	24

- All 3 inspectors are trained and certified.
- Inspectors confer with each other and with the PUE supervisor to maintain consistency.
- Inspectors are each assigned a particular crop and are responsible for keeping current with activities or issues with those crops as well as keeping one another informed on activities related to the crop. Inspectors conduct inspections on all crops.
- Inspectors are assigned a particular day of the week to do field activities. This provides for consistent field coverage and enforcement presence. Inspectors also conduct field activities on days when they are not assigned.
- Inspections are tracked in order to provide variation in the operators and crops inspected, and to target operators who have a history of noncompliance.
- Inspectors perform surveillance activities during the growing season in order to perform unannounced application, mix/load, and field worker inspections.
- Before performing surveillance activities inspectors review Notices of Intent to determine where applications of restricted materials might take place.
- Priority is given to applications near sensitive sites, applications of restricted or high toxicity pesticides, or applications performed by operators who have a history of noncompliance.
- Records inspections are typically performed during the winter and by appointment. Priority is given to operators who have employees handling pesticides, operators who have field workers, and operators who have not had an inspection in two years. A special effort is made to inspect operators who have had inspections where a noncompliance was found during the previous two years.

GOALS:

- Conduct follow-up inspections where one or more noncompliances were found.
- Coordinate application inspections and record inspections to improve coverage and address noncompliances.

IMPLEMENTATION:

- Inspections are evaluated on an ongoing basis, and appropriate improvements implemented.
- Inspection types are scheduled throughout the year to allow the best use of time.
- Follow-up inspections are documented for tracking purposes.

2) INVESTIGATIONS:

- Reports of possible pesticide illnesses are typically received from the Worker Health and Safety Branch, local health facilities, or from Poison Control. The County Agricultural Commissioner has an agreement with the County Health Officer for the receipt of Pesticide Illness Reports directly from health facilities which expedites reporting and improves the accuracy and effectiveness of the response.
- All 3 inspectors are licensed to conduct investigations.
- Inspectors conduct investigations according to the current version of DPR's Episode Investigation Procedures Manual.
- The County typically receives approximately five reports of suspected pesticide illnesses each year. Most of the reported illnesses have been incidents involving disinfectants. Priority investigations are rare.
- Complaints and inquiries are received frequently. They are usually received by phone and documented in a binder. An investigation is performed and a report written and placed in the binder. The reports are less formal than those created for an illness investigation, and the amount of time spent on the investigation depends on the situation and the facts involved.
- Written reports to WHS are usually submitted in a timely manner.

GOALS:

- Maintain the quality and effectiveness of investigations.
- Submit written reports to WHS in a timely manner.

IMPLEMENTATION:

- Schedule yearly review training on investigation techniques and report writing for staff.

C) ENFORCEMENT RESPONSE EVALUATION

- The enforcement program is evaluated on a continual basis to assure that it is fair, consistent, and timely.
- Inspections are performed by inspectors who are trained and certified, or inspectors who are closely supervised.
- Inspectors communicate with other staff members in order to maintain consistency. Inspectors discuss their workload with one another and with the PUE supervisor. PUE meetings are held on a regular basis. The PUE supervisor is available to answer questions, interpret regulations, and make policy decisions. Policy decisions are made in writing and distributed to all PUE Inspectors.
- Inspectors document all violations. This assures that all violations are responded to and receive a compliance action.
- All inspections with violations are reviewed by the PUE supervisor for accuracy.
- All inspections with violations are evaluated by the inspector for possible enforcement action using the Enforcement Response Regulation. Inspectors determine the class of the violation and review the operator's history to determine if there have been previous violations. Inspectors determine the appropriate compliance or enforcement action according to the Enforcement Response Regulation and document their findings on a Decision Report which is then attached to the inspection. Therefore, all inspections with violations have a written record that documents the class, the history and the action taken.
- Decision Reports are reviewed by the PUE supervisor and approved or rejected.
- If the decision is to recommend an enforcement action, a Notice of Proposed Action is prepared. NOPAs are generated in a standard format using a computer program, which ensures efficiency and consistency. The format suggested by DPR is followed. NOPAs are produced by the inspector and put together with the evidence in a case file.
- If a decision is for a documented compliance action, the Decision Report is reviewed by the Commissioner, and a copy is then sent to DPR within 30 days.
- The Inspector and/or PUE supervisor may also hold a compliance interview with the operator if it will help clarify or correct the situation.
- An enforcement response is chosen that will most likely result in sustained compliance, with the most efficient use of resources. Special emphasis is placed on repeat violators. All appropriate enforcement options are considered before taking action, including consultation with the District Attorney when appropriate and providing a timely opportunity for participation in the investigation and enforcement action.

GOALS:

- Follow the requirements of the new Enforcement Response Regulation.

IMPLEMENTATION:

- All PUE inspectors attended the Enforcement Response Regulation training provided by DPR.
- The NOPA format was updated to incorporate recommended changes.
- Guidance from DPR concerning Decision Reports was incorporated in the decision making process.
- The County has had additional staff trained as hearing officers and will have staff trained as advocates if training is available.
- Continuously evaluate inspection documentation, tracking, noncompliances, and follow-up.
- Documentation of Decision Reports was improved.