Ventura County Enforcement Workplan for 2006/2008

Resources Pesticide Use Enforcement (all estimates are on a annual basis)

- Personnel

    - 13 full time senior inspectors-@39%=5 inspectors
    - 1 full time supervising inspector-@39%= 1/3 supervisor
    - 1 deputy commissioner-@75%
    - 1 clerical position-@100%

- Man hours available to the Pesticide Enforcement Program (per annum)

    - Approximately 9000 hours are available for pesticide use inspector hours
    - 1350 hours for management and 600 for supervision
    - 1800 clerical hours which includes hours spent doing data entry for pesticide use reports.
    - This is up at least 1.5 inspectors from the 2004/2005 workplan due to the fact that we converted one supervisory position to an inspector position.

- Assets:

    - Each inspector has a vehicle for his/her exclusive use
    - We have eight terminals available for issuing permits
    - All of our inspectors have access to email on any terminal and our clerical position has email access

    We have one office open in Santa Paula- our Camarillo District Office closed in 2004 at which time we lost two inspector positions and two clerical positions. We have been able to reclaim the two inspector positions in the 2006-2007 budget year. We were recently able to fill both positions with Inspector trainees. We have one Senior Inspector retiring in October, and until that position is filled we will be down one inspector position.

- Expected Workload-Restricted Materials Permitting

    - Restricted Materials Permits-975
    - Operator I.D.s-450
    - Notices of Intent-4417
    - Total part b sites-8000
    - Total permits issued for fumigation-352
    - We expect that our workload will increase in the area of permit issuance for the for the following reasons:
        - Increasing regulations for field fumigation with Methyl Bromide

- 10% increase in acreage for strawberries-95% of which are fumigated
- Extensive acreage of colored bell peppers and fresh market tomatoes- 3 of our Township/Range areas have come close to or gone over the cap for 1,3, D
- The acreage in Ventura County which is dedicated to field grown nursery stock and cut flowers continues to increase
- We commonly have residences and other sensitive areas in or near the buffer zones. There are over 90 schools in Ventura County within ½ mile of conventional agriculture plus 29 schools adjacent to conventional agriculture.

- Corrective Actions
  - We have had difficulty in completing our illness and episode investigations within the 120 days. We have developed a tracking database to run on a monthly basis so that we can focus closer attention on those investigations that are exceeding the time limit.
  - We have been unable to generate as many field fumigation inspections as we targeted. The lack of bilingual field staff has been a serious disadvantage. Our single bilingual inspector working pesticide enforcement has been working on priority investigations most of the year, due to a 300% increase in priority episodes in the past two years. We will be moving the inspector who does Structural Fumigations into field fumigation during the summers. We are in the process of training our Inspector II, (who was hired about six months ago) in field fumigation. We also plan to distribute investigations more generally among the inspection staff if they do not specifically require a bilingual inspector. The newly hired inspector positions will spend at least part of their time in Pesticide Use Enforcement

Description of Core Activities- Restricted Materials Permitting

- Site Monitoring
  - We have mapped about 75% of our crop layer. Inspectors have access to those layers, to make sure that the maps provided by the grower or generated for the grower by our office identify all sensitive areas. Buffer zones for the fumigants are checked with the GIS layer for accuracy.
  - The majority of the irrigated agriculture in the county of Ventura has been aerially photographed at one foot resolution. Some areas in and near the cities have been aerially photographed at 6 inches. These aerial views are available to our PUE staff at the time of permit issuance via a program called Web GIS. This makes identification of sensitive areas quite transparent.
  - Our PUE staff has extensive historical knowledge of the areas that have generated complaints in the past. Those areas are targeted for Presite inspections when aerial applications are made. When the grower comes in for his worksite plan for Methyl Bromide or for a permit for another

fumigant the biologist goes out into the field and verifies buffer areas adjacent to sensitive areas and other areas where complaints have been received in the past, in addition to work with the GIS layer. We have hand held lazar measuring devices which allow very accurate verification of distances to sensitive sites.

- When aerial or ground applications of non-restricted materials occur next to sites where we have had complaints, applicators commonly call our office for an inspector to be present during the application.
- Targeted sites for presite inspection are those where a restricted fumigant is used within 500 feet of a sensitive area. Buffer zones for Methyl Bromide in such areas are set by permit condition at no less than 100 feet for parcels less than 5 acres and 200 feet for parcels 5 acres or greater. This exceeds, in many cases, the buffer zones specified in the code.
- Fumigations adjacent to schools may not be conducted within ¼ mile of the school while school is in session. This exceeds the state standard of 300 feet for Methyl Bromide fumigations.

- Hazard Evaluation

  - Permit applicants and applicants for Operator IDs make an appointment annually to renew their permit or OP-ID
  - Inspector trainees work with one of the senior biologists and their paperwork is reviewed by that biologist. Subsequently all permits are evaluated by the Supervising Inspector.
  - Various SOAR (Save Our Agricultural Resources) ordinances cover all of Ventura County and each of the cities within the county, except for Ojai, which has it's own growth restrictions and Port Hueneme, which is entirely surrounded by the city of Oxnard. These ordinances assure that all new proposed developments which might affect production agriculture are reviewed by the Agricultural Commissioner through the Agricultural Policy Advisory Committee (APAC) prior to approval. The Agricultural Policy Advisory Committee is composed of five growers, one appointed by each County Supervisor which advises the Commissioner on all land use policies that affect agriculture in Ventura County. The Ventura County Agricultural Commissioner employs a land use planner as staff to the APAC. This process assures that there are rarely unidentified sensitive sites adjacent to our agricultural areas.
  - The Commissioner with the assistance of the A.P.A.C. and as part of a focused activity in 2002 developed suggested mitigation measures in the form of setbacks and vegetative shelter belts, to mitigate conflicts at the ag/urban interface. These mitigation policies are currently being reviewed by the planning department for possible inclusion in the zoning ordinance.
  - When our office receives complaints at the ag/urban interface we work with the applicator and the grower to assure that so far as is possible sensitive sites, in particular schools are notified of impending applications. In many cases an inspector will monitor the application adjacent to a

school or residential area. Commercial applicators commonly notify the Commissioner of applications in sensitive areas whether the material is restricted or not.

- The Deputy Agricultural Commissioner is a member of the Ag Futures Alliance a consensus building group dedicated to a viable and sustainable agricultural industry in Ventura County. As part of her work on the Land Use Subcommittee she is involved in reviewing the General Plan Amendments of the various cities in the county and of the county in general. This helps to assure that the cities are aware of the need to buffer agricultural parcels at the City Urban Restriction Boundary from incompatible uses within the each city's sphere of influence.

- Permit Guidance

  - Any inspector on our staff can issue an operator identification number, but only our most experienced inspectors issue permits for Methyl Bromide, Telone, Metam Sodium or Chloropicrin field fumigation.
  - Many of our small Strawberry growers speak primarily Spanish so we have one inspector who is bilingual to issue permits to those growers.
  - Our Senior Pesticide Use Specialist- Dan Weerasekera observes our inspectors issuing permits several times a year and he reviews issued permits as part of the evaluation process.
  - We are now mapping all Methyl Bromide worksite plans and all Methyl Bromide field fumigations. All worksite plans are submitted to our GIS coordinator and the buffer zones are checked using ArcView 3.2 and WebGis. This has increased the time that it takes to issue a permit for field fumigation by about 300%. At least two and sometimes three people review the workplan and the buffer zones for accuracy prior to approval of the permit.
  - We use a manual for the Restricted Materials Management System developed by Santa Barbara County. The manual was developed in 2004. We have also developed Standard Operating Procedures for our office that include standard procedures for issuing permits. We now use the Department of Pesticide Regulation's Statewide Pesticide Use Enforcement Compendium, Volume 3- for reference on Permit Conditions and statewide procedures for issuing permits.
  - The Pesticide Use Enforcement Staff meets bimonthly to review procedures for pesticide enforcement and permit issuance and to insure consistency with state standards. In addition to our Senior Liaison, Jim Walsh a Program Specialist with the Department of Pesticide Regulation has space in our building and is generally available for consultation on matters affecting pesticide enforcement. Jim Walsh previously served Ventura County as a Senior Liaison.
  - In addition to being a member of the Southern Pesticide Deputy Group Ventura County participates in the Central Coast Pesticide Deputy Group- this group focuses on fumigation issues and land use issues at the ag/urban

interface. This group, which meets twice a year, helps to insure consistency between those counties who have a significant workload related to fumigant use.

Description of Core Activities-Compliance Monitoring

- Priority Investigations-
  - In the past two years Ventura County has had seven priority investigations. This is a 300% increase over prior years.
  - The investigations involved complaints of exposure in five cases. In two of the cases sampling indicated no drift had occurred. In one case while sampling was not possible, the victims claimed that they were not drifted upon. In one case drift was substantiated by sampling. In one case we were unable to determine the cause of the exposure.
  - One priority involved a report of loss. Sampling was unable to substantiate off target movement of the pesticide and unable to determine the cause of the crop loss.
  - One case was the possible entry of a teenager into a fumigated house. We were unable to determine what happened, due the fact that the teenager was allegedly intoxicated and nobody else witnessed the incident. .

- Routine Investigations/Complaints
  - Ventura County usually has about 10 investigations a year. At least 80% of the investigations are antimicrobial in nature.
  - Our incidence of routine investigations has decreased, however the dramatic increase in priority investigations has made this decrease insignificant from a workload standpoint
  - Investigations that we have completed and complaints that we have investigated that are not due to antimicrobials have been praised for their thoroughness and completeness, by the Southern Regional Office.
  - We have a good working relationship with our District Attorney-Environmental Crimes Division and they have cooperated with us in two investigations in the past five years. One of those investigations resulted in a $25,000 fine, and a proposal for legislation carried by Representative Hannah Beth Jackson's Office.
  - We have adopted a new complaint form and all complaints whether pesticide related or not will be logged onto the form and submitted to the supervisor for entry into a database. We are in the process of mapping the complaints on a GIS layer to help us pinpoint sensitive areas.

- Inspections

  - Strategy- the majority of our inspections will be performed on Methyl bromide, Chloropicrin, Telone/Inline, and Metam Sodium applications. This was our intent in the 2004/2006 workplan, however due to increased workload in investigations we have been unable to meet this goal.

- These applications commonly occur between May 1st and September 30th in Strawberries, March 1st to July 1st in colored bell peppers and year round to some extent in nurseries and field grown cut flowers.
- The majority of 1,3 D is used in Bell Peppers and Fresh Tomatoes. The majority of Methyl Bromide is used in Strawberries and Nurseries. All of the 100% Chloropicrin is used in Strawberries and Metam Sodium is divided between the three crops and is primarily applied through drip irrigation under a tarp, in buffer zones.
- As a result of consistent enforcement the number of violations having to do with Inner and Outer buffer zone violations in Methyl Bromide fumigation has decreased significantly.
- Most of the current violations documented on inspections have to do with chemigation or failure to use Personal Protective Equipment.
- There has been a significant increase in the number of Civil Penalties levied for drift. This has been due both to investigations and inspections.
- Due to budget constraints we have no provision for weekend and after hours inspections. The Agricultural Commissioner has no budget for overtime hours and insufficient staff to provide for a flexible schedule. In the event of a drift or other pesticide emergency the Commissioner, Chief Deputy and Deputy Commissioners can be contacted to respond, by the County Haz Mat Response Team. The Deputy Commissioner has home retention of the county vehicle for this purpose.
- Permit conditions require that Notices of Intent for field fumigation be submitted by Friday morning for all proposed applications on Saturday through Monday. This assures that we have the opportunity to do a presite inspection on any proposed fumigation in a sensitive area, should we wish to.
- All proposed workplans for Methyl Bromide field fumigation are submitted to our GIS Coordinator for mapping into the GIS layer. The actual amount of Methyl Bromide used is then entered from the Pesticide Use Report. The Township levels are calculated monthly to make sure that the cap is not exceeded during the fumigation season July-September.

- Strategy- Other inspections
  - We have increased our inspection time in structural branch one fumigations in the past year. We did this after discovering that we were ranked fifth in Vikane use statewide. We now dedicate at least ¼ man year to this activity. We currently have one case pending with the Structural Pest Control Board and several Structural Civil Penalties levied.

- We are meeting with our local PCOC in September of 2006 to discuss the inclusion of Ventura County in the Fumigation Safety Program currently in Los Angeles and Orange Counties. This would provide us with extra funding to use for Structural Branch one fumigations. Over 50% of the violations noted during structural inspections are at the time of aeration and have to do with inadequate signage or secondary locks. These violations are not reflected in numbers of inspections on the report five as they cannot be counted as complete inspections.
- Inspections of growers doing their own pesticide applications in crops and on rights of way will be done time permitting and when they are encountered by the inspectors in the course of other county business, such as nursery inspection, work in packing houses and other facilities or inspection of direct marketing sites. Failure to provide and use proper Personal Protective Equipment is the second most common cause of violations written.
- We propose Agricultural Civil Penalties for this type of violation almost as often as we do for PPE violations among Pest Control Businesses.
- Field worker safety inspections are done on a regular basis by our bilingual inspector. We have documented violations involving decontamination facilities, lack of Hazard Communication information and lack of training.

- Strategy- Chemigation Inspections

  - We will continue to target chemigation inspections when we have the time and the staff available
  - The Pierce's Disease Areawide Control Program provides payments to growers who voluntarily treat their orchards for Glassy Wing Sharpshooter in Ventura County
    - The treatment of choice is chemigation with Admire (imidachloprid).
    - As part of the contract with the grower he must notify the Commissioner of the proposed treatment.
    - This provides us with advance notice of chemigation applications in citrus and allows inspections to be scheduled time permitting.
    - Inline and Metam Sodium are also commonly applied through chemigation and are already targeted for inspection.

- Strategy-Commodity Fumigation

  - We did considerable work in Commodity Fumigation in 2005-2006. The inspector who writes phytosanitary certificates for

export strawberries and raspberries noted that the two companies fumigating and exporting berries, were not capable of following the alternate permit conditions for commodity fumigation with regard to the handling of the fumigated commodity. As a result of her diligence, additional monitoring of the facilities was done by a third party after consultation with the Worker Health and Safety Branch to develop mitigation measures for protecting employees who work around the treated commodity. We will continue to monitor this process in 2006/2007 increasing our commodity fumigations from 2 to 5. In addition our inspector will monitor the facility for compliance while she is there doing quarantine work.

- Review Process

  - All inspections are reviewed by the supervising agricultural inspector for completeness and are entered into the ARS database provided by A & K Computers to CACASA.
  - New inspectors are trained by our more seasoned staff for a period of about six months, as time allows prior to allowing the new person to conduct inspections independently. This takes about six months because none of our inspectors does pesticide use enforcement full time. They are all involved in writing phytosanitary certificates, inspecting direct marketing sites, and nurseries.
  - Senior Liaison Dan Weerasekera schedules his visits to include going out with the new inspectors. Overview inspections are done to allow our office to see if the new inspectors are doing pesticide use inspections consistently with the state guidelines. When discrepancies are discovered the supervising inspector reviews the inspection procedures with the inspector to assure that mistakes are not perpetuated. That inspector's paperwork is then scheduled for additional review by the supervising inspector and by the deputy commissioner.
  - When a violation is noted on an inspection a Notice of Violation is generated by the inspector, and reviewed by the supervising inspector. Then a copy is sent to the person inspected if one was not provided at the time of the inspection.
  - Inspections with violations noted, along with the Notice of Violation are then forwarded to the Pesticide Use Enforcement Deputy for further action. The inspector makes a recommendation regarding the fine level. The inspector keeps a copy of the inspection so that he/she can follow up on any violations that were not corrected at the time of the inspection.
  - The inspection, the Notice of Violation and the Civil Penalty Action if any are entered into the Civil Penalty Spreadsheet so that a compliance history can be generated on the company. In the case

of grower applications of non-restricted materials there may be no opportunity to conduct a follow up inspection, as these applications may not happen with any frequency.

- The Pesticide Use Enforcement Deputy makes the decision on whether a civil penalty action should be proposed. The Enforcement Response Plan guidelines are followed.
- In general all violations that fall into Class A or B are considered for civil penalty action the first time. In some cases enforcement action is taken on Class C violations the first time.
- Due to the fact that we are severely understaffed and the fact that inspectors must travel further to do inspections in the areas of Simi Valley, Thousand Oaks and Newberry Park, we really do not have any redundant inspections. We are lucky if we can generate high priority inspections of fumigation activities and chemigation. So there is really not anything to eliminate.

Target Inspection Numbers

- Our Target for Field Fumigations is being reduced to 30 from 50 inspections since we were unable to complete our target numbers last year.
- We are increasing our target for Field Worker Safety Inspections from 50 to 60. We have three bilingual inspectors, however two of those inspectors are assigned other duties, and rarely if ever do pesticide use enforcement. Two full time Senior Inspectors spend almost 100% of their time issuing Restricted Materials Permits. Our workload for issuing permits for field fumigation has increased 300% due to the new regulations for Methyl Bromide and the Township Caps for Methyl Bromide and Telone. These inspectors rarely go into the field. Record checks of the licensing status, registration status, and pesticide use records for both Growers and Commercial Applicators are done routinely by one of the Senior Inspectors. The other inspector is mapping the Methyl Bromide Worksite plans, and other field fumigations into the GIS layer. This inspector is also supervising the Glassy Wing Sharpshooter Survey Team and mapping the survey results into the GIS layer. One Senior Inspector spends the majority of his time doing inspections in the field, investigating pesticide episodes related to agriculture, and issuing permits and worksite plans to non-English speaking growers. Any other pesticide enforcement work is done time permitting by inspectors as they can fit it in between writing phytosanitary certificates, nursery stock certificates, direct marketing inspections, and any other work that comes up. The Deputy Commissioner spends the majority of her time dealing with enforcement, personnel, land use issues at the ag/urban interface, and consensus building. We anticipate as regulations dictate that more and more of our time is spend in the office due the increase in regulations for fumigations, and increased enforcement due to the Enforcement Response Plan, we will be spending less and less time in the field actually

monitoring those applications. As we encounter more repeat violations we anticipate that there will be more licensing actions statewide, increased paperwork, more hearings requested. We anticipate that we will be able to dedicate less and less time to field activities, as the time to deal with each violation encountered increases.

- Our target for other inspections is as follows:

Application Inspections	
Property Operator	50
Pest Control Business	30
Structural Branch 2 and 3	5
Mix and Load Inspections	
Property Operator	30
Pest Control Business	20
Fumigation	
Field	30
Commodity	5
Structural	20
Fieldworker Safety	60

Records inspections will only be done in conjunction with an investigation so no target numbers are being set. This is an externally driven activity and will depend on what type of investigations that we do. We review pesticide use reports for various businesses and Grower/Operators in conjunction with permit issuance. We issue numerous violations for failure to submit pesticide use reports, failure to register, and failure to retain certain required documents. These are not complete inspections since we do not check all of the requirements on the inspection form, because the person inspecting the records is in the office issuing permits and worksite plans most of the time. This is the only way that we can see to do some records monitoring and also have an inspector available for permit issuance.

We are approximately eight months behind in entering Pesticide Use Reports so that this is one of the only ways that we can effectively monitor possible violations related to county registration, failure to obtain an Operator Identification Number or Restricted Materials Permit, and uses outside of a persons license category. These activities do not however generate numbers of inspections, and so we are not proposing any target numbers. We have recently upgraded our Restricted Materials Management System to accommodate web submittal of Notices of Intent and Pesticide Use Reports. We anticipate that this will reduce our data entry backlog within the 2006/2007 fiscal year.