Enforcing pesticide laws

DPR MANAGES THE MOST COMPREHENSIVE PESTICIDE ENFORCEMENT **program in the nation. The enforcement branch – with three regional offices – guides and evaluates county programs, licenses and certifies commercial pesticide users, monitors pesticide products for registration and sales compliance, manages an extensive residue monitoring program for fresh produce, and imposes penalties for pesticide law violations. DPR also works in partnership with County Agricultural Commissioners who act as local pesticide enforcement authorities.**

F A C T S

Localized enforcement

As DPR's local enforcement agents, County Agricultural Commissioners annually:

- evaluate, condition, approve, or deny 50,000 permits for restricted-use pesticides,
- certify about 25,000 private applicators,
- conduct 65,000 compliance inspections, and
- take approximately 6,000 formal compliance or enforcement actions.

Approximately 1,000 civil penalty enforcement actions are initiated, tracked, and compiled annually by the counties and DPR regional offices.

Enhanced enforcement power

In 1999, DPR began organizing a team to assess the effectiveness of statewide pesticide enforcement and make recommendations for improvements. DPR's Enforcement Initiative is an ongoing effort to promote more efficient, effective, and consistent enforcement.

Effective January 1, 2001, the Legislature gave DPR's Director authority to impose civil penalties of up to $5,000 per violation for serious pesticide incidents or those that involve multiple jurisdictions. The same legislation gave County Agricultural Commissioners new power to suspend or revoke the permits of agricultural pesticide users and businesses that disregard county pesticide fines or other lawful orders.

Tracking local actions

Most pesticide enforcement actions – such as fines – are imposed by County Agricultural Commissioners. For many years, DPR had no centralized system to track these local actions. For example, DPR often could not easily retrieve information when deciding whether to renew the license of a pest control company. This situation also raised concern about consistent enforcement statewide.

To resolve the problem, DPR received $400,000 from the Legislature to create an enforcement tracking system. This system, which required three years of planning and testing, collects and tracks all pesticide violations recorded by county agricultural commissioners. In addition to immediate improvements toward fair and consistent pesticide enforcement, the tracking system offers other advantages. For example, DPR can now identify cases where state – rather than local – action would be more appropriate to deal with serious pesticide violations that cross county lines. Improved data quality and review

Consumers may GO ONLINE TO CHECK PESTICIDE LICENSE VIOLATIONS.

procedures also help DPR ensure that laws are correctly applied to specific violations. And since the system captures the specific pesticide involved in a violation, pesticide manufacturers have a source for outreach and education, helping their customers use pesticides correctly.

Early in 2001, DPR will post data from the Enforcement Tracking System on its Web site. Consumers may go online to check on agricultural pesticide businesses, individual licensees, and others to determine if they have been fined for pesticide violations anywhere in the state.

Targeting pesticide drift

DPR policy is to prevent pesticide drift whenever possible. DPR's Enforcement Initiative made drift prevention a top priority, since drift may injure people, contaminate the environment, and damage property.

Policy strengthened. During 2000, DPR worked with County Agricultural Commissioners, revising a drift policy to assure that all incidents or suspected incidents will be investigated. The policy outlined the respective investigatory roles of DPR and county agricultural commissioners, and strengthened drift enforcement guidelines. Early in 2001, DPR plans to convene a group of external stakeholders – such as commercial pesticide applicators and environmental advocates – to help improve drift regulations, and to stay up-to-date with changing science and federal initiatives.

$150,000 penalty for incident. In September 2000, DPR approved a $150,000 settlement with Wilbur-Ellis Co. of San Francisco. The settlement – which was the largest of its kind in DPR history – stemmed from a 1999 pesticide drift incident in Tulare County. Wilbur-Ellis agreed to pay a $75,000 penalty and fund another $75,000 in medical treatments for residents of Earlimart who were affected by a metam-sodium drift.

Sulfur guidelines issued. Sulfur accounts for about one-third of all pounds of agricultural pesticide applied annually. It is a natural fungicide favored by organic and conventional growers alike.

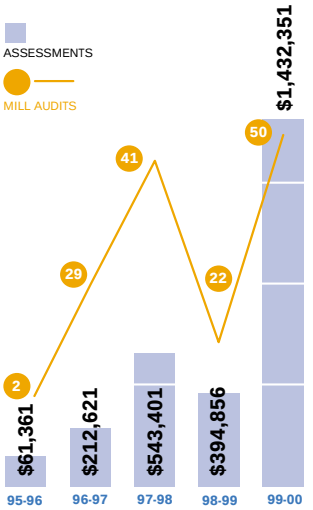
F A C T S

Monitoring fresh produce

- DPR tests more produce for pesticide residues than any other state – more than 7,000 samples in a year.
- No residues are detected in more than 60 percent of samples.
- Illegal residues are found in slightly more than 1 percent, and DPR acts quickly to remove that produce from the market.
- Most other samples show residues at less than 10 percent of the federal legal limit, which already includes a margin of safety.

Sulfur also is frequently cited as a source of worker injuries (skin rashes) due to its irritating properties. In 1999, DPR began a survey to evaluate sulfur drift complaints and identify problems with application methods. DPR and the commissioners discussed their findings with sulfur users, and sulfur manufacturers responded by suggesting new application techniques to better protect health and the environment.

Audits generate more revenue



DPR imposes a fee ("mill assessment") on pesticide sales to support regulatory programs. The Audit Branch assures that products are legally registered for sale and that mill fees are paid. As DPR conducts more audits, assessments have increased from about $61,000 in fiscal 1995-96 to more than $1.4 million in 1999-2000. DPR also received a $432,000 settlement for mill assessments owed by a subsidiary of Clorox Co. – the second-largest mill debt settlement in DPR history.

Assessing legal compliance

In June 2000, DPR enforcement staff completed three years of surveys in 19 counties to assess industry compliance with state and federal worker safety requirements. DPR and the County Agricultural Commissioners are using data from these surveys to help guide state and county enforcement priorities.

Linking priorities and work plans

DPR provides funding to the commissioners for enforcement activities that include field inspections, illness investigations, applicator certification, and more. Until recent years, DPR had no formal process to determine if county enforcement activities were meeting local needs and DPR priorities. In 2000, DPR and the commissioners began implementing work plans that provide a better link between effective local enforcement and DPR funding.

Partnership with Mexico

DPR's Enforcement Branch is working with commissioners, and federal and Mexican pesticide authorities to coordinate cross-border training. DPR enforcement staff met with their counterparts in Mexico during 2000 to study Mexican enforcement activities, and Mexican officials visited California to learn about DPR investigation and inspection techniques.