

Chapter 6

Training and Tools for County Agricultural Commissioners

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Section 6.1 Training Information for CACs

Introduction	To ensure statewide uniformity and consistency in implementing and enforcing pesticide laws at the county level, DPR provides training and technical expertise to CAC staff on a regular basis. Other programs in DPR are responsible for registering products, monitoring pesticides in the environment, and evaluating human health mitigation.
Frequency and selection of training topics	DPR staff develops training sessions and materials as a result of newly enacted pesticide laws or regulations, for updates or changes to existing DPR policies and procedures outlined in the Compendium volumes, or as a result of establishing memoranda of understanding (MOU) with other agencies. Although most of the training is conducted by DPR Enforcement Branch staff, other DPR branches can also develop and provide training. Some training sessions are developed and conducted formally on a statewide basis. These can be followed by refresher classes conducted by the DPR regional office Enforcement Branch Liaison (EBL) at the county level. Specific training for structural pest control CAC inspectors is conducted annually. This course is to prepare inspectors for the complex inspections of structural fumigations and other structural pest control applications.
Training information available online	Information and modules from recent trainings conducted by DPR are available on the DPR website on the <i>Resources for County Agricultural Commissioners</i> webpage at https://www.cdpr.ca.gov/enforcement/resources-for-county-agricultural-commissioners/ . Either click on, or scroll down to, “CAC Training” to view currently available resources. Upcoming trainings are often announced via an Enforcement Letter to all CACs.

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Training Information for CACs, Continued

Compendium updates

As new pesticide laws, regulations, and DPR policies and procedures are adopted, the affected Compendium volumes are updated to reflect these changes. DPR develops and conducts training to address the content of these volumes.

The PUE Program Standards Compendium web page is available for review on the *Resources for County Agricultural Commissioners* webpage linked to above.

Training developed as the result of a Memoranda of Understanding (MOU) with another agency

DPR and the CACs have established several MOUs with other state, federal, or county agencies to ensure pesticide laws are properly implemented and enforced.. An MOU is an agreement between DPR, CACASA, and other agencies that defines the scope of the agreement, the authority, and the responsibilities of each party where multiple agencies may have jurisdiction. See Section 1.2 for more details.

One example of a training developed as a result of an MOU is the annual structural regulatory training with the Structural Pest Control Board, to ensure uniform and coordinated enforcement in accordance with Business and Professions Code section 8616.

Another example is the Pesticide/Wildlife Incident Response Plan MOU between DPR, the Department of Fish and Game, (*now* Department of Fish and Wildlife), and CACASA.

Other topic-specific trainings

DPR may develop other trainings when they are deemed necessary to improve the continued effectiveness of CAC programs, provide guidance, or assist in program planning and evaluation.

For example, the Breaking Barriers Training was developed in 2009 in conjunction with U.S. EPA, Region 9. This training assists non-Spanish-speaking CAC pesticide inspectors who conduct fieldworker safety inspections and agricultural pesticide monitoring inspections (such as pesticide use, field fumigation, and commodity fumigation) to interview non-English-speaking field workers and applicators.

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Training Information for CACs, Continued

Training provided by the California Environmental Protection Agency (CalEPA)

As a department within the California Environmental Protection Agency (CalEPA), DPR staff participates in developing and conducting training provided by the agency. The four-day Basic Inspector Academy (BIA) is a popular training available to CAC staff, designed to teach environmental agency inspectors and other environmental compliance professionals to conduct quality inspections. California Government Code section 12812.2 requires CalEPA ensure all boards, departments, offices, and other agencies that implement CalEPA’s laws and regulations “take consistent, effective and coordinated compliance and enforcement actions” and that the program include cross-training of inspection and enforcement personnel....”

In order to sign up for the BIA, CAC staff must first complete the Fundamental Inspector Course (AP106)

To review the training schedule and information on how to sign up for the CalEPA training is through the California Air Resources Board’s website, please visit: <https://calepa.ca.gov/california-accidental-release-prevention/training-opportunities/>.

Travel expenses for attending DPR training

DPR does not reimburse CAC staff for expenses related to attending training. Occasionally, if DPR offers travel cost reimbursement; the instructions will accompany the training announcement. The amount of reimbursement cannot exceed the allowance for state employee travel.

Section 6.2

Obtaining Information from DPR

A. DPR Branch Programs

Introduction DPR branches and programs provide a comprehensive program to register and evaluate pesticide products, conduct environmental monitoring, protect worker safety, provide oversight to the CACs, issue licenses, and enforce laws and regulations.

Pesticide Registration and Evaluation Branches Before a pesticide can be used, possessed, or offered for sale in California, the pesticide must be registered (licensed) with DPR. The Pesticide Registration and Evaluation Branches coordinate the required registration and evaluation process and serve as primary liaisons to pesticide registrants regarding determinations of health effects of pesticides; manages all data received; maintains product label files; and provides information on registered pesticides and label instructions to pesticide enforcement agencies and the public. Branch scientists share data review responsibilities with staff scientists in other branches.

The Registration Branch maintains chemical ingredient and product/label databases that the public can access on DPR's external web page. This web page is available at <https://calpest.cdpr.ca.gov/calpest-public-search/>.

Questions regarding labeling, label changes, product registration, and other related topics should be directed to the Pesticide Registration Branch Ombudsman at Registration.Ombudsperson@cdpr.ca.gov.

See general pesticide registration information at:
<https://www.cdpr.ca.gov/how-to-register-a-pesticide/>.

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Obtaining Information from DPR, Continued

Worker Health and Safety Branch

The Worker Health and Safety (WH&S) Branch is responsible for assessing safety of workers and consumers where pesticides are used, and developing mitigation mechanisms when needed. A link to WH&S programs is available at: <https://www.cdpr.ca.gov/worker-health-and-safety/>.

WH&S staff develop exposure-monitoring methods, provide medical advice and assistance to practicing physicians on pesticide exposures, and assist CACs with illness investigations when necessary. Branch staff also investigates unsafe work conditions detected by the Pesticide Illness Surveillance Program.

- The Exposure Monitoring Program staff designs and conducts field studies to characterize workplace exposure to pesticides.
- The Industrial Hygiene Program evaluates pesticide products and labeling for effectiveness in controlling exposure hazards and recommends additional safety measures when needed.
- The Pesticide Illness Surveillance Program (PISP) analyzes investigations of pesticide-related illnesses and injuries conducted by County Agricultural Commissioners. The PISP database helps validate the effectiveness of exposure control measures and identifies areas where improvements are needed.
- The Worker Protection Program evaluates implementation of the State's worker safety regulations and provides input on changes to the federal Worker Protection Standard. They also develop outreach materials including the Pesticide Safety Information Series (PSIS).

Integrated Pest Management Branch

The Integrated Pest Management (IPM) Branch has four major programs:

- Pest Management Analysis and Planning
- Pesticide Use Reporting Program
- Endangered Species Project
- School and Child Care IPM Program

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Obtaining Information from DPR, Continued

Environmental Monitoring Branch

The Environmental Monitoring (EM) Branch monitors the environment to determine the fate of pesticides, protecting the public and the environment from pesticide contamination through analyzing hazards and developing pollution prevention strategies. It also takes the lead in implementing many of DPR's environmental protection programs. Links to the EM Branch programs are available at: <https://www.cdpr.ca.gov/environmental-monitoring/>.

Their staff is available to provide technical expertise and assistance to CAC staff on VOC emissions from field fumigants, and groundwater and surface water protection. The EM Branch provides environmental monitoring data required for emergency eradication projects and environmental contamination assessments.

- The Air Program includes:
 - Air monitoring and reporting
 - Toxic Air Contaminant Program
 - Volatile Organic Compound (VOC) emissions from pesticides
- The Groundwater Program includes:
 - Monitoring for pesticides in groundwater
 - Pesticide Contamination Prevention Act
 - Well Inventory Database
- The Surface Water Protection Program includes:
 - Surface water monitoring and reporting

Human Health Assessment Branch

The Human Health Assessment (HHA) Branch has two major functions: review of toxicology studies and preparation of risk assessments. DPR requires a pesticide registrants to submit data on a product's potential chronic, subchronic, and acute health effects, and characterize human exposure.

Enforcement Branch

The Enforcement Branch oversees compliance with pesticide use requirements; issues licenses or certificates to advisors, applicators, dealers, and brokers; has overall responsibility for pesticide incident investigations; administers the nation's largest state monitoring program for analyzing domestic and imported produce for pesticide residues; and ensures compliance with pesticide product registration and labeling requirements.

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Obtaining Information from DPR, Continued

Enforcement Branch Regional Offices

The DPR Enforcement Branch has three Regional Offices (located in Sacramento, Clovis, and Santa Ana) to ensure statewide availability of DPR staff throughout the state. Each county is assigned an Enforcement Branch Liaison (EBL) as their primary DPR contact. It is recommended that CAC inquiries go through their assigned EBL.

The regional office addresses and a map of counties in each region is found at <https://www.cdpr.ca.gov/contact-us/>.

Enforcement Branch Liaison role

DPR provides each county with an Enforcement Branch Liaison (EBL) to assist the CAC. The EBLs duties include:

- Answering CAC staff questions
- Collecting information to assist the Department in its assessment of the performance of each program area and the overall CAC Pesticide Use Enforcement (PUE) program
- Collecting and organizing information developed by the Enforcement Branch, other branches of DPR, the Structural Pest Control Board, and other agencies relative to the performance of the CAC's PUE program
- Informing the CAC and their regional office manager of any issues and associated corrective actions
- Preparing the county performance evaluation report and providing recommendations for review and approval by the regional office supervisor
- Providing local or regional training, as needed
- Staying informed of any issues relevant to the evaluation of the CAC's program including: the Pesticide Regulatory Activity Monthly Report (PRAMR) data, information from the Compliance database, assessments of environmental programs, information on licensing issues, Section 18s, Special Local Needs SLNs, research authorizations, and human illness report evaluations.
- Coordinating activities between the CAC and other State, local, and federal agencies involved in working with DPR and CACs under the guidelines of established Memoranda of Understandings (MOUs) with agencies such as:
 - U.S. Environmental Protection Agency
 - Structural Pest Control Board
 - California Department of Fish and Wildlife
 - County Environmental Health Departments
 - Department of Industrial Relations

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Obtaining Information from DPR, Continued

B. Consulting DPR

Background

DPR has a diversified pool of trained professionals, including toxicologists, chemists, investigators, lawyers, auditors, and environmental scientists.

The Regional Office EBL is the first point of contact between DPR and the CAC to obtain technical expertise. If additional consultation is needed, the EBL can assist with directing CAC staff to the appropriate headquarters staff. Examples of assistance from the regional office EBL include the following:

1. **Pesticide-related human effects episodes:** Compendium Volume 5, *Investigation Procedures*, Chapter 2, outlines the procedures for CAC staff to obtain assistance from the Worker Health and Safety Branch (WHS) on pesticide-related human effects episodes. In some cases, they can assist in collecting dislodgeable residue samples; coordinating the collection of clothing, urine, and blood samples; assisting CAC investigators in interviewing persons exposed to pesticides; and through a contract with the University of California, Davis (UCD) provide physician consultation services. This physician provides these services one day a week in the office and is on-call during business hours to assist CACs and healthcare providers. To obtain assistance from the UCD physician, coordinate with your EBL to contact the WHS Pesticide Illness Surveillance Program (PISP) staff. PISP staff will contact the UCD physician, when appropriate.
2. **Label Interpretation:** Compendium Volume 7, Chapter 1 *General Interpretation Guidelines*, section 1.4, outlines the procedures for CAC staff to obtain assistance in label interpretations. Headquarters can prepare a response to address an issue.
3. **Legal Assistance:** DPR Enforcement Branch staff, with assistance from DPR's Office of Legal Affairs (OLA), can also assist in areas such as laws and regulations interpretation, elements of the violation, the administrative civil penalty process, and enforceability issues.

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Obtaining Information from DPR, Continued

C. How to Obtain Legal Assistance from DPR

Legal assistance and analysis request DPR's Enforcement Branch Headquarters staff and the Office of Legal Affairs (OLA) are available by request through the CAC's EBL to assist CAC staff.

OLA staff can provide legal assistance and analysis in the following areas:

- Laws and regulations interpretation and enforceability.
- Documents prepared by, or in conjunction with, OLA that require further explanation, e.g., settlement agreements.
- Code sections, pertaining to DPR or CAC activities shared with other agencies, which seem to conflict.

DPR legal analysis requests are not intended to supersede or override any direction or advice provided to CACs by their County Counsel or their Board of Supervisors.

County Counsel CACs are encouraged to contact their County Counsel for legal advice. Because California's pesticide regulatory program is complex and OLA may, in some instances, be better prepared to provide help or legal advice pertaining to the County's Pesticide Use Enforcement Program, the County Counsel is encouraged to directly contact OLA, when necessary.

Procedure to obtain legal assistance from DPR Obtaining legal advice pertaining to the County's Pesticide Use Enforcement Program through OLA can be obtained by following this procedure:

1. Submit request to the EBL assigned to the county. CAC staff are encouraged to make an effort to solve the problem on their own using existing DPR resources.

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Obtaining Information from DPR, Continued

**Procedure to
obtain legal
assistance from
DPR**
(continued)

2. The EBL and the Regional Office supervisor or manager will review the information to determine if the question has already been addressed by existing DPR policy.
 - Regional Office will provide the CAC with a written response to a written question covered by existing interpretations.
 - A question not covered by an existing DPR policy will be forwarded with supporting information to DPR Headquarters who will prepare a response to address the issue. If needed, the Enforcement Branch will work directly with OLA staff.
3. Include the following information in any legal analysis request:
 - Requestor's name and affiliation,
 - Identification of the issue and brief description of the scenario,
 - Appropriate background materials,
 - Code section(s) or specific authority believed to apply to the situation, and
 - Suggested solution or proposed answer (with explanation), and any problems created by your proposed response.

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Obtaining Information from DPR, Continued

**Assistance to
Hearing Officer
during hearing**

Hearing Officers may occasionally need assistance pertaining to matters of law when hearing a case. In limited circumstances, only Hearing Officers (emphasis – *only* Hearing Officers) may contact OLA if a problem arises while they are hearing a case and the hearing cannot go forward without legal consultation.

As the hearing officer contacting OLA, ask to speak to OLA’s Chief Counsel or Acting Chief Counsel and clearly state the following:

1. Your name,
2. Your title,
3. The county you are serving,
4. Your telephone number, and
5. A brief description of the problem you have encountered which is making it difficult or impossible to continue the active hearing.

While, providing the description of the problem, be careful to not state any of the actual “facts” of the case, e.g., names of parties or witnesses, city or business names, etc. Stick to the actual problem that is preventing you from continuing the hearing.

This consultation is not an opportunity to discuss the facts of the case or obtain suggestions for writing the decision for this specific case or other matters related to the case. This consultation is specific to helping the Hearing Officer resolve a problem which is preventing or may prevent the completion of the hearing.

Do not send any e-mails or correspondence unless specifically instructed to do so by the attorney who responds to your call.

Section 6.3 DPR Forms

DPR forms

DPR has developed several forms used for inspections, violation notices, and other county enforcement activities. To see a list of available forms, go to: <http://www.cdpr.ca.gov/docs/enforce/prenffrm/prenfmnu.htm>.

There are also Pesticide Use Reporting (PUR) forms available on DPR's website at: <https://www.cdpr.ca.gov/pesticide-use-in-california/pesticide-use-reporting/>. Click on, or scroll down to, the "Pesticide Use Reporting Forms and Form Submission Process" section to view the forms.

Most forms are in PDF format. They can be downloaded and then read using Adobe Acrobat Reader software.

In 2017, CACs began using the California Pesticide Enforcement Activities Tracking System (CalPEATS) to conduct and track inspections, investigations, and enforcement actions. Many of the forms are available through CalPEATS.

How to order DPR forms

All form orders must be submitted in writing; orders will not be taken over the telephone. CAC staff can order DPR forms by filling out the *Forms Requisition* form DPR-197 available at <https://www.cdpr.ca.gov/wp-content/uploads/2024/08/dpr-197.pdf>.

In order to accurately track orders, please send your completed *Forms Requisition* to the CAC Forms Coordinator by any of the following methods:

- Fax to: (916) 445-6845;
- Mail to:
Department of Pesticide Regulation
ATTN: CAC Forms Coordinator
P.O. Box 4015
Sacramento, CA 95812-4015; or
- E-mail to: <formscoordinator@cdpr.ca.gov>

Allow two weeks for processing your forms requisition order after receipt.

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