

Department of Pesticide Regulation

FY 2001/2002 Prioritization Plan

Introduction

This Prioritization Plan is intended to assist County Agricultural Commissioners (CACs) and Liaison Senior Pesticide Use Specialists (seniors) develop Negotiated Work Plans (NWP) that address statewide pesticide priority issues and to outline the Department's program initiatives. This is a guidance document, not a mandate. CACs will continue to have flexibility in developing NWP that address their local needs as well as statewide priorities, where appropriate.

Coordinated pesticide use enforcement efforts result in better statewide compliance levels; prudent resource allocation; and clearer communication between the Department of Pesticide Regulation (DPR) and the CACs. Improved communication will promote stronger relationships and constructive dialogue with the CACs on enforcement and compliance assurance activities.

The Prioritization Plan is presented in two sections: Suggested CAC Initiatives and DPR Initiatives. Each section contains three parts: Compliance Improvement, Program Development and Training Initiatives. Order does not denote importance. Although the following priorities are of equal weight statewide, they will vary in importance and applicability in individual counties.

SUGGESTED CAC INITIATIVES

I. COMPLIANCE IMPROVEMENT:

1. Improve statewide compliance with personal protective equipment requirements in 3CCR and on pesticide labels.

- a) address Compliance Assessment recommendations where appropriate
- b) implement outreach programs that include information on employer liability to enforcement action
- c) implement inspection strategies which target violators
- d) enforce violations appropriately

2. Improve statewide compliance with field worker safety regulations and related pesticide label requirements such as hazard communication and display of application specific information.

- a) Perform field worker safety inspections in conjunction with headquarter record inspections
- b) address Compliance Assessment recommendations where appropriate
- c) implement outreach programs that include information on employer liability to enforcement action

- d) implement inspection strategies which target violators
 - e) enforce violations appropriately
- 3. Improve statewide compliance with closed system requirements. Increase DPR and CAC understanding of the sources of closed system compliance problems.**
- a) implement outreach programs that include information on employer liability to enforcement action
 - b) document engineering incompatibilities between closed systems and pesticide containers and/or labeling and provide to DPR
 - c) document violations and take enforcement action when appropriate
- 4. Improve statewide compliance with backflow prevention regulations.**
- a) implement outreach programs that include information on employer liability to enforcement action
 - b) implement inspection strategies which target violators
- 5. Reduce the number of pesticide drift incidents that result in human exposure, environmental contamination, or property damage.**
- a) implement outreach programs which include information on employer liability to enforcement action
 - b) develop permit conditions to address sensitive areas
 - c) develop preapplication and application inspection plans to address sensitive sites
- 6. Improve statewide compliance with chemigation requirements.**
- a) implement outreach programs that emphasize the unique requirements of chemigation as an application method and that include information on employer liability to enforcement action
 - b) document violations and take enforcement action when appropriate
 - c) Implement a focused activity for Chemigation Compliance Evaluation based on the attached Chemigation Compliance Evaluation and list of priority counties developed by the Environmental Monitoring Branch (attached).

II. PROGRAM DEVELOPMENT:

- 1. Improve statewide consistency in conducting Pest Control Use Monitoring and Record Inspections. Improve statewide consistency in follow-up activities, including inspections and enforcement actions.**
- a) conduct an audit of decision reports and review written justification policy
 - b) review civil penalty program for compliance with Enforcement Guidelines
- 2. Improve the consistency, timeliness, and quality of investigations statewide.**

- a) complete all episode investigations within 120 days or notify Senior (PRENF –097)
- b) complete all priority episode investigations within 60 days or notify Senior
- c) reduce the number of episode reports returned for correction by DPR staff
- d) review past sample and evidence collection problems and address

3. Maintain monitoring of fumigant applications:

- a) implement the Methyl Bromide Risk Management Plan (June 22,2001)
- b) prioritize preapplication and application inspections of fumigations near sensitive sites

4. Implementation of Site Identification Procedures:

- a) implement site identification procedures developed by the Permit Mapping Developer Group for both geographic information systems (GIS) and non-GIS systems

5. Complaint/Incident Tracking:

- a) develop and maintain a tracking system that includes all complaint and incident investigations
- b) make complaint and incident information available to DPR
- c) review complaint information quarterly to identify trends
- d) utilize complaint information to develop program improvements and outreach when appropriate

III. TRAINING INITIATIVES:

- a) coordinate with the Liaison and evaluation Senior to implement a DPR/CAC inspection overview schedule for all inspectors to address CAC inspection training needs for the year based on pesticide activity and Compliance Assessment data
- b) incorporate training provided by contract hearing officer to improve investigation case files and ACP hearing presentations
- c) review episode reports and provide investigation planning training and individual training when appropriate

DPR INITIATIVES

I. COMPLIANCE IMPROVEMENT:

1. Improve statewide compliance with personal protective equipment requirements in 3CCR regulation and on pesticide labels.

- a) DPR outreach program:
 - i) determine causes/types of PPE violations to target statewide outreach efforts to sources of problems;
 - ii) assist commissioners in developing outreach programs;
 - iii) distribute outreach programs developed by commissioners through the Focused Activities.

- b) review and revise inspection forms and procedures
- c) focus DPR overviews on employee handler activities.
 - i) utilize the Compliance Workgroup to review and analyze overview inspections
- d) promote the Pesticide Workplace Evaluation Program (WH&S).

2. Improve statewide compliance with field worker safety regulations and related pesticide label requirements such as hazard communication and display of application specific information.

- a) DPR outreach program:
 - i) determine the causes and types of field worker safety violations to better target efforts;
 - ii) focus on grower/industry groups, employee organizations;
 - iii) collaborate with public entities, such as the University of California, local health departments, and commissioners.
- b) inspection procedures review (Enforcement Initiative):
 - i) survey commissioners for input prior to review
 - ii) review/revise Inspection Procedures
- c) focus DPR overview inspections on field worker safety inspections.
 - i) utilize the Compliance Workgroup to review and analyze overview inspections

3. Improve statewide compliance with closed system requirements. Increase DPR and commissioner understanding of the sources of closed system compliance problems.

- a) survey commissioners for input prior to development of closed system training module
 - i) review Pesticide Safety Information Series.
- b) request documentation of engineering problems from the commissioners. Use this information to pursue the closed system engineering and pesticide labeling problems at the state and national levels.

4. Improve statewide compliance with backflow prevention regulations.

- a) survey commissioners for input prior to development of backflow prevention training module

5. Reduce the number of pesticide drift incidents that result in human exposure, environmental contamination, or property damage.

- a) drift Issues Workgroup (commissioner and DPR members):
 - i) develop new drift prevention regulations
 - ii) review new technology and stewardship programs.
 - iii) expand to include external stakeholders after initial proposal developed.
- b) Drift Initiative Work Group (DPR staff):
 - i) review and clarify current laws and regulations;
 - ii) issues drift policy letter

- c) Procedural Manuals (Enforcement Initiative; People and Pesticides Report):
 - i) review Investigation and Sampling procedure manuals:
 - ii) survey commissioners for input prior to review
 - iii) revise manuals
 - iv) develop procedures specific to drift incidents, including complaint response:
- d) DPR overview/participation in commissioners investigations.
- e) investigation procedures training:
 - i) provide commissioners investigation support as needed.
 - ii) prioritize training for new commissioner staff or based on DPR's investigation reviews.

6. Improve statewide compliance with chemigation requirements.

- a) provide assistance to the Environmental Monitoring Branch with chemigation training for the commissioners
- b) emphasize the unique requirements of chemigation as an application method
- c) promote uniform enforcement for violations of chemigation requirements
- d) encourage and support selected counties to include the Chemigation Compliance Evaluation developed by the Environmental Monitoring Branch in their Negotiated Work Plan as a focussed activity. (Chemigation Compliance Evaluation and list of selected counties attached)

II. PROGRAM DEVELOPMENT:

1. Improve statewide consistency in conducting Pest Control Use Monitoring and Record Inspections. Improve statewide consistency in follow-up activities, including inspections and enforcement actions.

- a) review and revise existing policies and inspection procedures
- b) DPR overview activities:
- c) overview new and experienced commissioner staff members.
- d) use information from overviews, county evaluations and the compliance assessment to assess commissioner training needs:
 - i) provide training where need exists and DPR resources are available.
- e) develop databases capable of identifying statewide compliance trends (violation, enforcement, and compliance activity tracking).

2. Improve the consistency, timeliness, and quality of investigations statewide.

- a) investigation training:
 - i) WH&S intends to provide Pesticide Illness/Injury Investigation training for FY 2001/2002.

- ii) review current investigation procedures
- iii) evaluate the value of a “train the trainer” program for commissioners
- b) DPR oversight:
 - i) conduct overview activities (participate in investigation);
 - ii) document results of DPR investigation reviews (i.e., how many investigations were returned to the commissioners and why).
- d) develop statewide investigation/incident tracking system:

3. Implementation of Site Identification Procedures:

- a) DPR will assist the commissioners in converting to the new procedures upon request.
- b) DPR will evaluate the PUR data for improvements in data accuracy and to investigate methods to improve compliance with reporting requirements.

4. Complaint/Incident Tracking:

DPR intends to work with CACs to adopt a standard protocol for tracking incident investigations and complaints. DPR will develop a complaint form and list this form on the external Web page. Completed complaint forms will be available to DPR staff. DPR and counties will review complaints on a quarterly basis to identify trends and develop recommendations for program improvements or outreach needs.

III. TRAINING INITIATIVES:

1. Written Policy Review:

As part of the Enforcement Initiative, DPR will prioritize the review, revision, and consolidation of all written policies and procedures. DPR is committed to making DPR information widely available through hard copy and over the external Web site. Commissioners should document the problems they encounter implementing written policies and procedures and provide written recommendations for specific improvements.

2. Implementation of new Ground Water Protection Regulations:

DPR will conduct outreach and training to prepare the commissioners for the next phase of ground water protection starting in January 2002 (change from pesticide management zones to ground water protection areas and increased mitigation measures). The commissioner will need to estimate and track new duties to develop new funding sources.

3. Other Training Goals:

- a) investigation procedures training
 - i) prioritize training for new commissioner staff or based on DPR’s investigation reviews
- b) evaluate the value of a “train the trainer” program for commissioners

- i) revise and update existing training modules
 - ii) develop procedures specific to drift incidents, including complaint response
 - iii) develop a closed system training module
 - iv) develop a backflow prevention training module
- c) use inspection overview information to assess commissioner training needs:
 - i) provide training where need exists and DPR resources are available.

Chemigation Compliance Evaluation Focused Activity Plan

Example

Background

For chemicals registered with application through irrigation systems (chemigation), the U.S. Environmental Protection Agency requires label language that specifies equipment that must be present to protect water sources from contamination due to backflow. Recent incidents involving chemigation have included contamination of ground water and bird kills with follow-up inspections indicating a range of problems from non-compliance with label language to faulty devices. While some counties inspect chemigation sites for compliance if a restricted use pesticide is applied, inspections are generally not conducted for non-restricted use pesticides. Over 100 active ingredients and over 300 separate product labels have been identified with a chemigation label, many of which are non-restricted use pesticides. The goal of this project is to develop a process to identify chemigation sites and then to initiate inspections of a portion of these.

Training

For compliance with chemigation requirements, county staff will attend the chemigation training course provided by the Center for Irrigation Technology. The course is designed to focus on enforcement aspects of the label and will describe and illustrate the key equipment components of a chemigation system.

Chemigation Site Inspections Description

For the 2002 permit season, the county will collect and record information that can be used to identify chemigation site locations for both restricted and non-restricted use pesticides. Department of Pesticide Regulation staff has identified a list of pesticide products that contain at least one label for chemigation application. The use of this list will be evaluated as an aid in identification of permit applications that use chemigation. A portion of identified sites will be inspected and evaluated for their level of compliance. Some concurrent inspections with Enforcement staff will occur.

Chemigation Site Inspections Action Plan

- a. Identify chemigation sites in the county. One possibility is to determine sites through a grower survey conducted at permit application. Attachment A contains proposed questions.
- b. On permit maps for each county, record site locations and other pertinent information, such as chemical used, restricted/non-restricted use, crops, application timing.
- c. Inspect five percent of chemigation sites in the county or a minimum of five sites to determine the level of compliance with chemigation equipment requirements.

Project Report

County Agricultural Commissioners will provide a report that documents completion of the action plan for training and chemigation site identification.

Attachment A

Proposed Questions for Growers Applying for Permits

- Do you inject or plan to inject any pesticides through your irrigation system?
- Do you apply fertilizer through your irrigation system?
- Which pesticides—DPR has a list of pesticides that allow for chemigation that could be compared with those listed on a permit?
- Which crops?
- When do you plan to inject?
- Do you contract out with a company to do the injection for you? If so, what company?
- Where is your chemigation site located? Identify it on your permit map(s).

Interested Counties

Monterey

Napa

Sonoma

Amador

San Luis Obispo

Ventura

Possible Counties

Mendocino

Fresno

Kings

San Joaquin

Stanislaus

Tulare

San Mateo

Santa Clara

Negotiated Work Plan Process

Negotiated Work Plan Process:

The following outline is meant to be a GENERAL guide only. The most important elements are: local and state pesticide use enforcement (PUE) program review; priority issue identification; finding the best activities to address the priority issues; and resource evaluation and allocation.

1. Review your local or regional PUE program for potential and ongoing trends - i.e., review results of investigations and inspections over (x) year(s); types of compliance and enforcement actions taken; restricted material permit issues; local political issues, etc.
2. Determine your local or regional priority issues and compare them with the suggested county initiatives identified in the Prioritization Plan.
3. Determine the resources you expect to have available for PUE activities for the duration of the work plan:
 1. What resources are needed for your Arequired activities@ such as restricted material permit evaluation/issuance; investigations; county registration activities; noncompliance follow-up activities; pesticide use report review and collection; etc.?
 2. How much do you need to devote to your Acore program@ such as surveillance; random inspections; annual training and outreach activities; etc.?
 3. How much is available for your Aelective@ activities, or those that can be applied to the priority issues identified in the your Negotiated Work Plan? This would include outreach and training to new stakeholders; focused inspections; research activities; etc.
4. Choose priority issues based on your review. It is acknowledged that unexpected issues can have a profound impact on a county agricultural commissioner's (CAC's) allocation of resources among all the CAC programs.
5. Identify the activities that will address the priority issue. Try to include deliverables and time frames wherever possible.
6. Negotiate the plan with your Department of Pesticide Regulation (DPR) Liaison.
7. Meet regularly with your DPR Liaison to discuss progress and difficulties and alert your DPR Liaison to any changes in a timely manner.