

Attachment to Oversight Inspection Procedure manual

**FY 2002/2003  
OVERSIGHT PROJECT SCHEDULE**

**WORKING DOCUMENT**

July 31, 2002

## FY 2002/2003 WPS COMPLIANCE ASSESSMENT PROJECT SCHEDULE

### **About this Project Schedule**

The procedures in this project schedule are effective upon completion of the associated training in July, 2002. It is expected that some changes will be made in the future based on comments received from the county agricultural commissioners (CACs) and field staff. For that reason this manual is designated as a **Working Document**. Please forward any comments or suggested changes to Jim Walsh by phone at (805) 654-4894, by fax at (805) 654-4890, or by e-mail at <jwalsh@cdpr.ca.gov>.

### **Background**

The four-year WPS compliance assessment project (1997- 2001) provided valuable information about industry compliance with pesticide laws and regulations. As a continuation of this assessment, Department of Pesticide Regulation (DPR) management requested that the Compliance Workgroup (CWG) develop a plan to remeasure industry compliance levels using the oversight inspection program.

On January 28, 2002, DPR issued enforcement letter ENF 02-05. The last paragraph of that letter stated, "Lastly, it is important for us to show that improvements have been made in our programs. Therefore, DPR has requested the CWG to develop the best means for performing follow-up assessments in those specific counties that were identified as needing improvement in the Worker Protection Standard (WPS) compliance assessment. It is preferable not to have the compliance assessment teams come back to reevaluate individual counties but rather measure improvements through the normal course of our seniors overview inspections." On June 3, 2002, DPR issued enforcement letter ENF 02-21 that outlined this compliance "remeasurement" program.

For many years DPR has performed oversight inspections (formerly called overviews) in conjunction with the CAC's staff as part of our cooperative agreement with the U.S. EPA. For the last several years the inspection goal for agricultural use oversight inspections has been between 210 and 220 per year. The schedule for FY 2002/03 utilizes 200 of these oversight inspections to remeasure industry compliance in four counties.

### **Purpose**

This schedule is designed to remeasure industry compliance with the Worker Protection Standard in four California counties. In subsequent years, industry compliance will be remeasured in additional counties. The data collected with the oversight inspections performed will be analyzed and compared to the results of the original compliance assessment results for each county. This will provide DPR and the respective counties with information on the effectiveness of remedial program changes made in response to their compliance assessments.

Oversight inspections are being used to remeasure compliance for the following reasons:

- 1) Using the existing oversight inspection program allows DPR to remeasure compliance levels with minimal impact to regional workload. The previous compliance assessment protocol took a significant amount of time away from regional CWG member's normal duties.
- 2) Using the oversight inspection program allows the CACs to correct violations observed and to take appropriate enforcement action.
- 3) Provide information for our County Pesticide Compliance and Assessment database from the standard inspection forms.
- 4) Collect data on industry compliance as well as provide performance measurement information that the CACs can use in developing negotiated work plans and setting local program priorities.
- 5) Not be a statewide survey. However, we will use the data collected from inspection forms and oversight inspections as a means to set baseline compliance levels for continuous program evaluation.

### **Project Specific Inspection Requirements**

- 1) Only oversight inspections of production agriculture operations covered by the Worker Protection Standard may be submitted for this project. The following types of inspections will be used in this project for data collection:
  - PR-ENF-021 – Pesticide Use Monitoring Inspection
  - PR-ENF-144 – Fumigation Use Monitoring Inspection
  - PR-ENF-044 – Field Worker Safety Inspection
  - PR-ENF-022 – PCB and Grower Employee Safety Inspections
- 2) Upon completion of an oversight inspection, you must print “DPR Oversight Inspection” or “CAC Oversight Inspection” at the top of the county and the DPR inspection forms, respectively. This is necessary to properly enter the inspection data and prevent the county inspection from being redundantly entered when they submit their inspections.
- 3) In order to standardize the data collected when completing the Fumigation Use Monitoring Inspection, you will need to print “PCB” or “Grower” at the top of both the county and the DPR inspection forms.
- 4) In order to standardize the data collected when completing the Field Worker Safety Inspection you will need to print “FLC” (farm labor contractor) or “Grower” at the top of both the county and the DPR inspection forms.
- 5) In order to standardize the data collected when completing the Field Worker Safety Inspection, you will need to determine grower compliance with the application specific information display requirement (3CCR section 6761.1). You will need to make this determination for both grower and FLC operations. When inspecting a grower operation, document compliance with the application specific information display requirement on the blank line at the bottom of the Requirements section. When inspecting an FLC, document compliance with the application specific information display requirement in the Remarks section. Violations of this requirement are the responsibility of the grower. When a non-compliance with this requirement is found during an inspection of an FLC, it should be documented separately (i.e., using a Violation Notice [VN] or Headquarter and Employee Safety Inspection).

- 6) Oversight inspections must be performed according to the Oversight Inspection Procedures Manual and the Inspection Procedures Manual.

### **Schedule**

During the fiscal year 2002/03, DPR will re-measure compliance in the following counties: Sutter, San Joaquin, Merced and Tulare. Two hundred oversight inspections will be conducted during the fiscal year 2002/03. The goal is fifty oversight inspections in each county. The regional supervisors should create a schedule that fairly divides the workload between all three regional offices, taking into consideration the number of seniors in each office. It should also be noted that the liaison seniors of the four subject counties will have the additional workload of performing the follow-up activities on all of the oversight inspections in their county.

Regional Senior Pesticide Use Specialists (senior) should review the attached compliance activity summary prior to scheduling their oversight inspections. Compliance data collected from the oversight inspections will be compared with the compliance results from the original compliance assessments. Your oversight inspections will be performed throughout the fiscal year. However, in order to provide comparable data, schedule and perform your oversight inspections using the following goals **to the extent practical**:

- Perform as many oversight inspections during the same season(s) as the original compliance assessment was conducted as practical.
- Target oversight inspections to observe activities in similar crops and pesticides as observed in the original compliance assessment.
- Try to inspect the same ratio of pest control businesses to growers and growers to farm labor contractors as observed during the original compliance assessment.
- For field worker inspections, try to target similar field worker activities as observed in the original assessment.
- Perform oversight inspections with all county inspectors.
- Perform oversight inspections in all areas or districts within the county.

See attached Compliance Assessment Parameters Summary chart.

### **Initial CAC Meeting**

It is recommended that the regional office arrange a meeting with the CAC and the pesticide program Deputy CAC of each of the four counties listed above before starting the oversight inspection program. The regional supervisor, liaison senior, regional CWG member, and, if requested, the CWG coordinator should meet with the CAC to explain the program. Describe the basic procedures, the follow-up procedures and solicit comments and suggestions from the CAC on implementing the program. DPR staff should use the attached initial meeting agenda and provide the CAC with the Oversight Inspection Procedures Manual and the Project Schedule at least one week prior to the meeting.

## **Documentation**

Document your oversight inspections according to the procedures outlined in the Oversight Inspection Procedures Manual. Provide a copy of the oversight inspection package to the liaison senior for the subject county.

## **Follow-Up Requirements**

Follow-up procedures are the same as outlined in the Oversight Inspection Procedures Manual. The liaison seniors for the subject county will be responsible for all follow-up activities and documentation.

## **Regional CWG member**

- 1) Will receive oversight inspection packages from the liaison and forward to the CWG leader.
- 2) Will track oversight packages and provide the CWG and regional supervisors with monthly reports.
- 3) Will identify significant issues to the CWG.

## **Attachments**

- 1) Initial CAC Meeting Agenda
- 2) County Compliance Activity Summary Table

# COMPLIANCE ASSESSMENT OVERSIGHT INSPECTION PROGRAM INITIAL CAC MEETING

## AGENDA

- 1) **Purpose of oversight inspection program** – To remeasure industry compliance with Worker Protection Standard requirements and provide performance measurement information that the CAC can use in developing negotiated work plans and setting local program priorities. Provide CAC with a copy of the initial CAC meeting agenda, the Oversight Inspection Procedures Manual and the Compliance Assessment Project Schedule.
- 2) An informal summary **report** on the county oversight inspections will be provided to the CAC at the end of the year. The report is a public document but will not be published.
- 3) **Communication with inspectors and CAC management.** – Discuss how the oversight inspections can be scheduled.
  - Can the CAC provide a schedule of inspector names and when and where they normally conduct inspections?
  - The inspecting seniors will work directly with the county inspectors for scheduling purposes. The program must involve all county inspectors.
  - The liaison senior will conduct all follow-up and issue negotiation with the CAC.
- 4) **Oversight inspection protocol:**
  - The senior will remain unobtrusive while the county performs the inspection.
  - The senior will conduct any additional inspection activity after the county inspector has finished.
  - The senior and county inspector will confer prior to the inspector obtaining the inspected person's signature. The inspector cannot change his inspection.
  - If the senior detects violations not noticed by the inspector **and the inspector agrees** with the senior, the inspector will provide the senior's inspection to the person inspected and use it for follow-up activities.
  - If the inspector does not agree with the senior's interpretation, the senior will forward discrepancies to the liaison. The liaison will resolve the issue with the CAC.
- 5) If we observe activities that create an **immediate hazard**, the senior will encourage the inspector to issue a Stop Work Order or Cease and Desist. If the inspector does not wish to do so, the senior will issue a Cease and Desist and immediately contact the CAC and the regional supervisor.
- 6) **Solicit suggestions and comments** from CAC on how to make the program work efficiently.
- 7) Respond to any **questions** received from the CAC. Document any questions that are not resolved at the meeting and refer to the CWG.