

California Department of
dpr Pesticide Regulation

Progress Report
2015 - 2016





Progress Report 2015-2016

The Department of Pesticide Regulation (DPR) regulates pesticide sales and use, and fosters reduced-risk pest management. DPR's work includes product evaluation and registration, environmental monitoring, residue testing of fresh produce, and statewide licensing of commercial applicators, dealers and advisers. DPR provides oversight of the local pesticide enforcement programs of all 55 county agricultural commissioners and their combined staffs of approximately 300 biologists.

Mission Statement

To protect human health and the environment by regulating pesticide sales and use, and by fostering reduced-risk pest management.

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Note: This report contains highlights from 2015 and 2016. For all publications, reports and program activities, please visit our website at: www.cdpr.ca.gov. For more information or questions, please contact cdprweb@cdpr.ca.gov. Photographs by DPR staff unless otherwise noted.

July 2017

On the cover (clockwise from top): Product compliance inspection in Sacramento; surface water monitoring in Orange County; Mount Lassen framed by almond trees in Glenn County.

LETTER FROM THE DIRECTOR

Maintaining a balance



I am immensely proud to lead a team of dedicated staff that continuously works hard to fulfill our mission to protect human health and the environment. From registering pesticides for use in California to licensing pesticide applicators and enforcing the law, the Department of Pesticide Regulation has carried out its mission for the past 25 years with dedication and increasing transparency.

In 2015 and 2016, we achieved many successes and milestones which are highlighted in this Progress Report. Our accomplishments include implementation of regulations enhancing the safety of farm workers, the public and the environment. We engaged our stakeholders through meetings, hearings and surveys and received thousands of comments on proposed actions. We communicated in workshops, conferences and social media.

In the past two years we have also funded research, community projects and workshops promoting integrated pest management (IPM). We conducted enforcement activities to ensure products used in California meet our standards and that our food supplies are safe, and provided education and outreach for schools and restaurant employees, pest control professionals, farmers and farm workers. We conducted scientific studies to inform our mission to protect human and environmental health, and contributed our expertise to the effort to build the framework for regulating cannabis.

In this Progress Report, you will read about the achievements of our hardworking staff and partners at the county agricultural commissioners' offices. Together, we will continue to fulfill our mission and maintain the balance of protecting people and the environment as pesticides are used in society.

Brian Leahy,

Director



REDUCING RISK

HEALTHY SCHOOLS ACT

Legislation passed in 2014 (Senate Bill 1405) amended the Healthy Schools Act (HSA). The HSA requires schools to maintain records of pesticide use for four years, and to post notices in advance of pesticide applications on school grounds.

It also directs the Department of Pesticide Regulation (DPR) to encourage schools to adopt integrated pest management (IPM) programs on campus. IPM can reduce conventional pesticide use by encouraging prevention and non-pesticidal controls.

SB 1405 built upon the act by requiring schools to report pesticide use to DPR annually, and requiring DPR to create training courses for school employees and contractors who use pesticides on campus—including anti-microbial cleaning products.

DPR has developed a database that tracks pesticide applications in schools, online training courses for licensed pesticide applicators, and school district and child care center staff. DPR launched the first of its free training modules on its website in 2016, with more-advanced training modules following in 2017.



SALES OF AGRICULTURAL AND RESTRICTED USE PESTICIDES

DPR proposed a regulation to clarify that it is illegal and a violation for registrants and licensed pest control brokers to sell pesticides labeled for agricultural use, or designated as a restricted material pesticide, to anyone other than a registrant, licensed pest control dealer, or licensed pesticide broker. The regulation further clarified that it is illegal and a violation for a licensed pest control dealer to sell pesticides designated as restricted materials that require a restricted materials permit to anyone who does not have a permit or, if exempt from the permit requirement, to anyone who is not a certified commercial or certified private applicator. The proposed regulation went into effect in January 2017.



AIR MONITORING NETWORK

California is the only state that monitors air as part of its continuous evaluation of pesticides to ensure the protection of workers, public health, and the environment. DPR created its Air Monitoring Network in 2011 to look for traces of certain pesticides in the air—including all major fumigant pesticides and many organophosphates—based on the amount of use and their potential health risks. Throughout 2016, the department worked on a plan to increase the number of communities where air monitoring is conducted. For two years starting in 2017, monitoring can now be conducted at 8 sites for 31 pesticides, with the Air Resources Board (ARB) operating five of the sites on behalf of DPR (previously, only three sites were monitored for 31 pesticides). The expanded Air Monitoring Network and additional data collection will give a more comprehensive picture of pesticide concentrations in the air in various California agricultural communities.

1,3-D MANAGEMENT PLAN

1,3-Dichloropropene (brand name Telone) is a fumigant used by farmers as a pre-plant soil treatment for fruit and nut trees, strawberries, grapes, carrots, and a host of other food and non-food crops.

DPR developed and implemented a new plan to manage health risks to bystanders from exposure to 1,3-D. Under the plan, the registrant limits product sales to restrict usage to 136,000 pounds for each township in the state (a township is a 36 square-mile area). This ended the previous system that allowed any unused township allocation of 1,3-D to be “banked” for use in later years. The new system, which went into effect in January 2017, also bans the use of this pesticide during December, when weather conditions tend to make air concentrations higher.

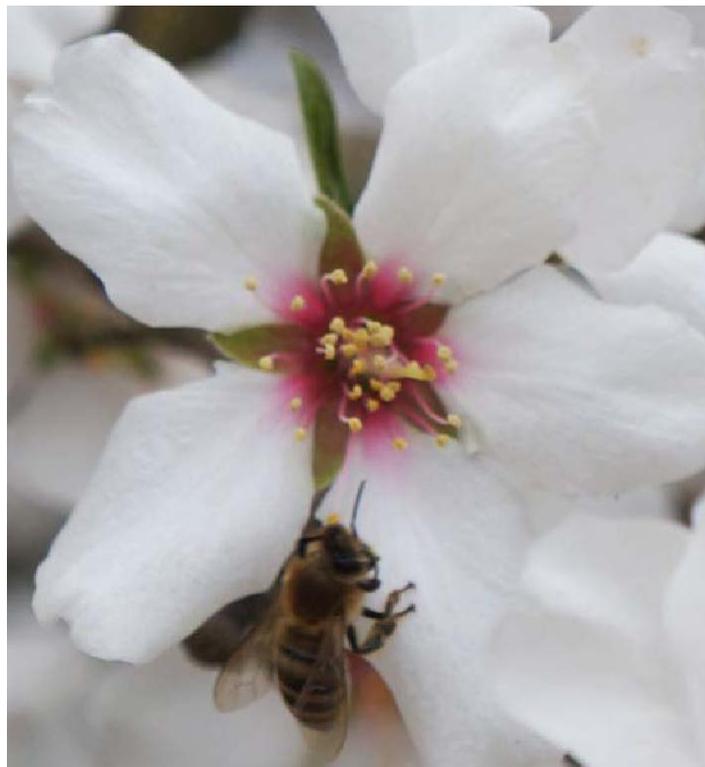
POLLINATOR PROTECTION

In 2016, the United States Environmental Protection Agency, working collaboratively with DPR and Canada, published a draft pollinator risk assessment for imidacloprid.

DPR's collaboration on the draft risk assessment was part of the reevaluation of neonicotinoid pesticides started by DPR in 2009.

Other pollinator protection activities undertaken by the department included a 2016 Bee Aware! Symposium to bolster communications between farmers and beekeepers on timing of pesticide applications and placement of bee hives in farm areas.

The department also launched a pollinator protection website and created a variety of outreach brochures for farmers, pest control professionals, and beekeepers.



GRANTS

DPR continues to manage and collaborate on several grant projects totaling nearly \$3 million. This figure includes DPR's Research and Alliance Grant Programs.

Many research grant projects involve the search for agricultural fumigant pesticide alternatives. Fumigants are gaseous pesticides used to rid soil of pathogens, nematodes and other destructive pests. They are widely used in the production of strawberries and root and bulb crops, and also as a pre-plant soil treatment for orchards.

About \$2.2 million of the grant total went to DPR Research Grants. DPR awards these grants yearly to develop practices that contribute to integrated pest management (IPM) systems. IPM reduces use of high-risk pesticides, which can impact public health and the environment. \$782,141 in grants were awarded by the Pest Management Alliance Grant Program in 2015-16. Established in 1997, it provides funding for projects that increase implementation and adoption of proven, effective integrated pest management (IPM) practices that reduce pesticide risks to human health and the environment.



IPM ACHIEVEMENT AWARDS

In 2015 and 2016, DPR recognized 10 organizations with IPM Achievement Awards (formerly called IPM Innovator Awards) for their work in using integrated pest management techniques to control pest problems.

In 2016, the following groups were recognized for their work: Cherry Buckskin Project—a collaboration among UC Cooperative Extension and the Contra Costa County Department of Agriculture, that promotes education and infected tree removal to control cherry buckskin disease; the Virginia Creeper Leafhopper Project—a collaboration between UC Cooperative Extension, Lake

County Wine Grape Commission, and the Mendocino County Farm Bureau—for spearheading a program to eradicate invasive Virginia creeper leafhoppers through educational outreach and the introduction of parasitic wasps; the Riverside Unified School District for its extensive IPM program; the San Diego Regional Airport Authority for its IPM program; The Pink Bollworm Project—a collaborative effort between the California Cotton Pest Control Board, California Department of Food and Agriculture, U.S. Department of Agriculture and Plant Health Inspection Service, and the National Cotton Council—for its successful efforts to control pink bollworm in the state; and, Project Apis m.—a nonprofit organization that funds research and programs that protect bees.

HUMAN HEALTH ASSESSMENT AND WORKER HEALTH AND SAFETY

HHA SCIENTIFIC SEMINARS

DPR's Human Health Assessment Branch organized about a dozen seminars in 2015-2016 drawing upon staff and outside members of the scientific community.

Topics ranged from advances in skin sensitization determination, to a workshop on in vitro assays and the use of zebra fish as an alternative to lab mice in scientific studies.

Human Health Assessment scientists also participated in a number of off-site seminars and presented at several national scientific meetings.

RISK ASSESSMENT

DPR scientists made significant progress on a number of risk assessments for pesticides prioritized for human health concerns. The Risk Assessment program's work included studies looking at the risk of exposure and potential health impacts of 1,3-Dichloropropene, dicrotophos, propanil, chlorpyrifos, and sulfurly fluoride.

SANITIZER SAFETY

In 2015, DPR scientists in the Pesticide Illness Surveillance Program (PISP) performed an analysis of the associated non-agricultural, occupational illness data (2005-2014) which revealed that approximately one quarter of these cases occurred in retail food facilities.

Over 90 percent of the cases involved the use of antimicrobials (sanitizers), a type of pesticide. Many workers in food facilities are not aware that sanitizers are pesticides that may pose a risk to human health. In 2016, DPR developed outreach posters and flyers, with feedback from the California Conference of Environmental Health Directors, the Department of Industrial Relations, industry, and others on the safe use of sanitizers.

The posters and flyers were mailed to county and city environmental health departments, and CACs in December 2016. In addition, DPR created a website on sanitizer safety for food service employers and employees in an effort to reduce sanitizer-related exposures and illnesses.

Prevent Sanitizer Injuries!

Always Read The Label
The label provides information on how to safely use the product.

Always Wear Personal Protective Equipment!
Wear safety glasses or goggles, rubber gloves, and work clothes.

Never Store Sanitizer in a Food or Beverage Container

What is a Sanitizer?
A sanitizer is a type of pesticide used to kill germs. A pesticide is any substance intended to control, destroy, repel, or attract a pest, and also includes insecticides and rodenticides.

A Safe Workplace
California employers are required to provide a safe workplace and training to workers in a language they can understand. To file a workplace complaint, contact Cal/OSHA at:

42% 42% of injury/illness occurred when personal protective equipment should have been worn, but was not.
91% 91% of the products involved in pesticide injury/illness at food facilities were sanitizers.

www.dir.ca.gov/dosh/complaint.htm
or call (810) 258-7000

For injury or illness, call the California Pison Control Hotline at: 1 (800) 222-1222

Pesticide Safety Information: www.cdpr.ca.gov

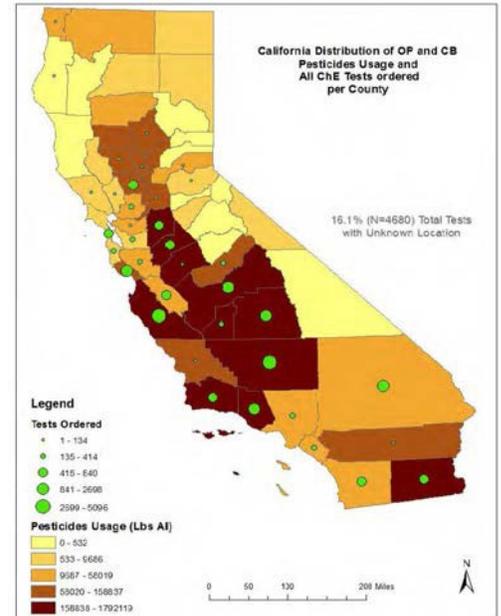
REGISTRATION & DOCUMENTS: www.cdpr.ca.gov

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CHOLINESTERASE TESTING

Assembly Bill 1963 (Chapter 369, 2010) created a worker protection law which requires that the results of mandated worker cholinesterase (ChE) tests be forwarded to DPR electronically.

The ChE tests are intended to protect agricultural employees who work closely with ChE inhibiting pesticides (organophosphates and carbamates). DPR shares the results with CalEPA's Office of Environmental Health Hazard Assessment (OEHHA) and the California Department of Public Health (CDPH) for evaluation. In December 2015, DPR, in collaboration with OEHHA and CDPH, completed a report to the Legislature as required by AB 1963. This evaluation recommended several ways to improve the Program. In January 2016, DPR and OEHHA sponsored legislation to continue improving ChE monitoring for pesticide applicators (AB 2892, Chapter 475), which passed in September 2016. AB 2892 extended the mandatory laboratory ChE reporting to January 1, 2021, established registering/deregistering of Medical Supervisors, and made specific changes to the information that a laboratory is required to report to DPR.



MITIGATING EXPOSURES TO PESTICIDES

DPR staff work in teams to develop mitigation measures for occupational exposures to fumigants and other pesticides where issues have been raised in the risk assessment process. DPR developed a new and more efficient plan to manage the use of the fumigant 1,3-D to address the potential cancer risk.

WORKER PROTECTION STANDARDS (WPS)

On Nov. 2, 2015, U.S. EPA released their revised Worker Protection Standards (40 CFR 170). DPR was in compliance with most of the regulatory changes mandated by U.S. EPA and scheduled to be effective January 2016, but DPR added regulations and revised certain existing regulations to ensure California pesticide worker safety regulations were consistent with the newly revised Federal standard. The regulations were approved by the Office of Administrative Law (OAL) in October 2016, and went into effect in January 2017.



CLOSED SYSTEMS

In 2015, DPR completed the rulemaking for closed system mixing and loading regulations. Closed systems employ equipment such as probes, hoses, valves, and enclosed mixing equipment to allow people to work with dangerous pesticides without coming into contact with them, reducing potential skin absorption and dermal injury. The rules also added closed system design requirements and personal protective equipment exemptions for specific use circumstances.

PERSONAL PROTECTIVE EQUIPMENT CHANGES

In 2015, DPR completed rulemaking for updating and reorganizing the state's Personal Protective Equipment (PPE) regulations. The rule changes reduced ambiguity, and reorganized the regulatory requirements in a more logical, cohesive format. Requirements for protective eyewear are now consistent with a nationally recognized standard (ANSI Z87.1), and the hand protection requirements are in agreement with U.S. EPA guidelines.



WORKER HEALTH AND SAFETY OUTREACH

Each year, DPR staff takes part in community meetings, health conferences, and other events to educate and promote pesticide safety for workers and their families.

In 2015 and 2016, staff participated in over 200 outreach events focused on workers and families. Staff also promotes pesticide safety in guest appearances on Spanish-language media outlets in the Central Valley, Central Coast, Bay Area, Sacramento Valley, and Imperial Valley.

PESTICIDE SAFETY INFORMATION SERIES

In 2015, DPR revised the Pesticide Safety Information Series (PSIS) leaflets in order to improve their accessibility to pesticide handlers and farm workers. The leaflets were redesigned using updated graphics, reorganized to enhance clarity, and reformatted for ease of readability when viewed on a tablet or smartphone. California regulations require these documents to be part of pesticide handler and farm worker training. There are two PSIS leaflet series: The "A" series covers agricultural settings and the "N" series covers non-agriculture settings. All of the leaflets are in PDF format and are available in English, Spanish, and Punjabi translations.



ENVIRONMENTAL MONITORING

VOLATILE ORGANIC COMPOUNDS (VOCs)

California leads the nation in implementing measures to reduce VOCs from pesticides, which contribute to smog that can damage lung tissue, cause respiratory illness, and harm farm crops. The regulations, first created in 2008, are continually being updated as better methods and technologies are developed or if more reductions are needed. In 2016, DPR completed regulations to add new low-emission fumigation methods for VOC reduction. Most of these changes account for improvements in tarpaulin technologies to reduce emissions from fumigants.



DPR TACKLING TROUBLING URBAN PESTICIDE RUNOFF

Recently, studies by DPR scientists have found several pesticides in Northern and Southern California watersheds at levels potentially harmful to aquatic invertebrates. These insects play a critical role in the food chain so they are important to broader ecosystems. Pyrethroids and fipronil are commonly detected in urban runoff and waterways.

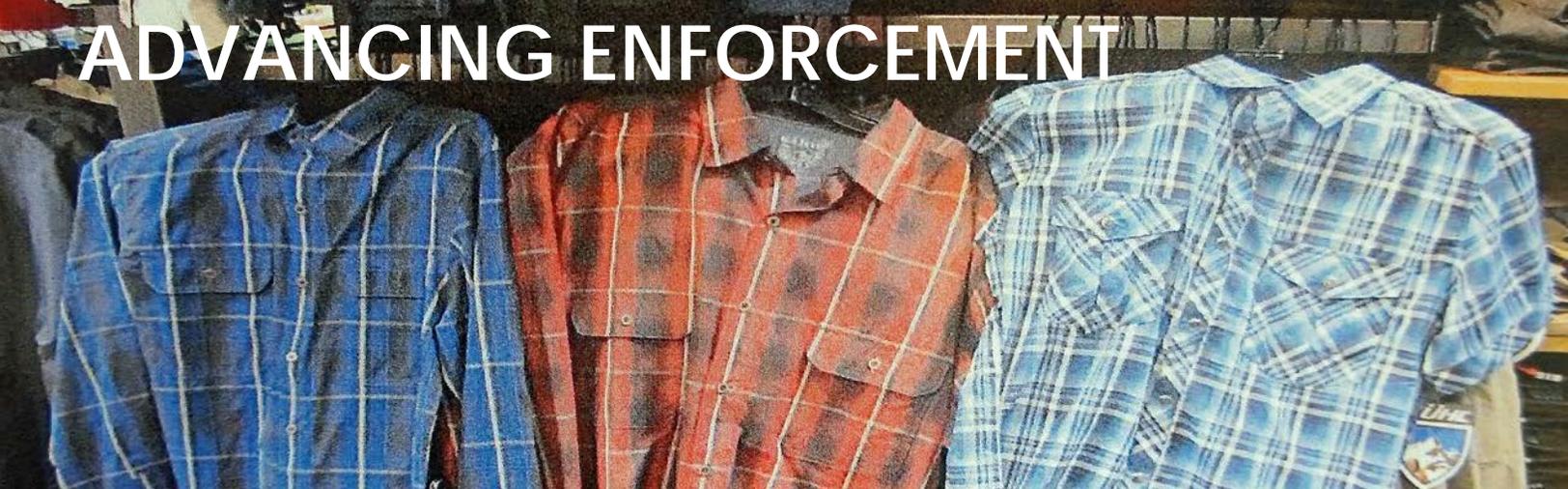
Pyrethroids are one of the most common classes of pesticides used in the U.S. Useful for killing many insect pests, they're found in everything from lice shampoo to ant baits. Fipronil is a pesticide used against everything from fire ants to termites and wasps. It, too, can kill unintended organisms. Studies by DPR scientists show fipronil was detected in nearly half of all surface water samples collected statewide between 2008 and

2014. The water samples were collected at storm drains, creeks and rivers. Fipronil concentrations were above the toxicity benchmark almost half of the time in creek and river samples. The benchmark is a level of protection above which it is expected to be toxic to aquatic organisms.

DPR scientists' work has not only included measuring pesticide residues in waterways, but also examinations of the kinds of products being sold in certain regions, door-to-door surveys of homeowners about pesticide use on their properties, and outreach to professional applicators. The goal is to estimate how much pesticide runoff comes from homeowners and how much from professional applications. Going forward, DPR is working with pesticide registrants on ways to reduce runoff into waterways.



ADVANCING ENFORCEMENT



ENFORCEMENT ACTIONS

DPR vigorously pursues violations of the state's pesticide laws. DPR inspectors regularly visit hundreds of retail stores statewide to ensure that products making pesticide claims are properly registered with the state. Enforcement and compliance activities undertaken by the department in 2015 and 2016 included:

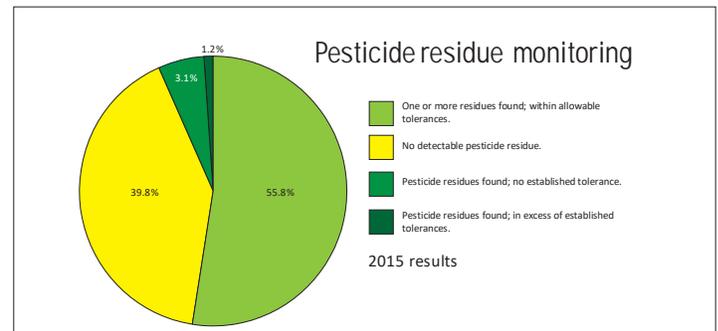
- In 2015, DPR fined six Los Angeles area companies that ignored warnings and repeatedly sold imported fruits and vegetables with illegal pesticide residues to predominantly ethnic minority customers. The fines ranged from \$10,000 to more than \$20,000 for violating pesticide laws and potentially endangering consumers. When illegal pesticide residues were found, DPR immediately ordered the produce destroyed and/or quarantined.
- Throughout 2015 and 2016, DPR also negotiated over 180 settlement agreements bringing in more than \$3 million with companies selling unregistered pesticide products in the state. These included pesticide-infused products making pesticidal claims—like anti-microbial clothing, hardware and household items. In one case, a Utah outdoor-clothing manufacturer agreed to pay the state \$86,715 for making unsubstantiated health claims on its clothing. Alfwear Inc., of Salt Lake City, voluntarily pulled the mislabeled items from store shelves and changed the labeling to comply with California and federal law. In another case, from 2015, ACE Hardware agreed to pay the state \$60,367 for selling unregistered store-brand hoses that claimed to prevent mold and bacterial growth.
- In 2016, DPR imposed a \$10,000 fine against a California grower after an illegal pesticide was detected on his grapes in the marketplace and on the crop in his 43-acre vineyard.





TESTING PRODUCE FOR PESTICIDES

California has the nation's most comprehensive program to regulate and monitor pesticide use. Pesticide residue testing is at the heart of the program. In 2015 DPR found no detectable residues in 39.8 percent of all produce samples taken. Residues detected in 55.8 percent of samples were within the legal tolerances, while 1.2 percent of the samples had pesticide residues in excess of the established tolerances. An additional 3.1 percent of the samples had illegal traces of pesticides that were not approved for that commodity. The report is based on 3,600 samples of produce—including those labeled as "organic"—that are collected by DPR during the course of the year at grocery stores, farmers markets, food distribution



centers, and other consumer outlets. DPR quickly works to remove produce with illegal residues from the chain of distribution to prevent it from reaching consumers. DPR also attempts to trace it to its source. Tainted lots are quarantined or destroyed.

CALIFORNIA PESTICIDE ENFORCEMENT ACTIVITY TRACKING SYSTEM

PESTICIDES NEAR SCHOOLS

In 2016, DPR proposed regulations to further protect school children from pesticide exposures around schools near agricultural fields. The regulations would prohibit certain types of pesticide applications with $\frac{1}{4}$ mile of public K-12 schools and licensed child care facilities when children are most likely to be present. The regulations would also require farmers to provide schools with an annual notice of pesticides they anticipate applying in their fields within $\frac{1}{4}$ mile of a school or licensed day care facility. The regulations are expected to be adopted by January 2018.



COPPER-BASED ANTIFOULING PAINT AND COATING PRODUCTS

In 2016, DPR opened a public comment period for proposed regulations to address copper leaching into marinas from copper-based anti-fouling paints. The regulations would require registrants of new copper-based antifouling paint products to submit estimated daily leaching rate data and, in July 2018, establishes a maximum allowable copper leach rate for such products registered in California for use on recreational vessels. Currently registered products exceeding the leach rate would be subject to cancellation.

INFORMATION TECHNOLOGY ADVANCES

MILLPAY SYSTEM

DPR implemented the MillPay system in 2014 for production use. In Fiscal Year 2014-15, DPR conducted pilots for the online Mill Assessments submission and payment process. Following a number of successful pilots managed by DPR's product compliance team, MillPay is now live and available for use by all stakeholders who submit Mill Assessment reports.

PESTICIDE REGISTRATION DATA MANAGEMENT SYSTEM (PRDMS)

In 2013, DPR initiated the PRDMS project. The project's objective is to streamline the existing pesticide product registration business process and offer an online portal for stakeholders to conduct registration, renewal, and other related activities. After successful development and state oversight approval of a Business Analysis document and Feasibility Study, DPR is currently working on the project.

ENVIRONMENTAL JUSTICE



ENVIRONMENTAL JUSTICE LIAISON

In August 2016, DPR created the position of Environmental Justice (EJ) Liaison. This position furthers DPR's commitment to statewide EJ activities—including developing compliance and enforcement plans, coordinating with state and local agencies, conducting outreach, and assistance with DPR's supplemental environmental projects.



AGRICULTURAL PESTICIDE COLLECTION AND DISPOSAL PROJECT

In May 2016, DPR assisted the county agricultural commissioner with the Imperial County Pesticide Collection and Disposal Project. This project was made possible by EPA Region 9 supplemental funding. More than 24,000 pounds of out-of-date and unused pesticides were collected from growers for safe disposal. Many of the pesticides were collected from farms in disadvantaged communities of Imperial County.

WORKING WITH DISADVANTAGED COMMUNITIES (IVAN NETWORK)

In 2016, DPR took a more active role with organized community environmental justice networks known as IVANs (Identifying Violations Affecting Neighborhoods), which facilitate reporting of pesticide incidents. DPR participated in Kern Environmental Enforcement Network, Fresno Environmental Reporting Network, Bayview Hunters Point Environmental Justice Response Task Force, Coachella Valley Environmental Justice Enforcement Task Force, Healthy Kings County Initiative Network and Imperial County Environmental Justice Enforcement Task Force monthly meetings.



FRESNO ENVIRONMENTAL JUSTICE PESTICIDE ENFORCEMENT WORKSHOP

In October 2016, DPR, US EPA Region 9, Fresno County Agricultural Commissioner's Office and Central California Environmental Justice Network (CCEJN) hosted the first DPR Environmental Justice Pesticide Enforcement Workshop. The purpose of the workshop was to strengthen partnerships with the community by providing attendees a working knowledge of federal, state and county pesticide use enforcement activities.

LOS ANGELES INITIATIVE

In 2015, CalEPA's Environmental Justice Enforcement and Compliance Working Group launched its Los Angeles Initiative in the neighborhoods of Boyle Heights and Pacoima. DPR tested 120 produce samples taken from nine retail stores in Boyle Heights for pesticide residues. Four samples contained illegal residues, resulting in the destruction of 588.5 containers of contaminated produce. In addition, one grower was also ordered to destroy 11.5 acres of contaminated cilantro. DPR also issued warning letters to each business involved in the packing, shipping and sales of the tainted produce. In Pacoima, DPR collected 84 produce samples from seven retail stores, and identified four as containing illegal residues. A total of 324 cases of produce were destroyed as a result. DPR also inspected a facility that manufactures a pesticide product for commercial water treatment. A report was forwarded to US EPA for follow up on potential paperwork and labeling violations. Also in Pacoima, the Los Angeles County Agricultural Commissioner conducted inspections of 10 commercial nurseries and six structural fumigations.

ALMOND CONFERENCE

In 2015 and 2016 DPR hosted a booth and speakers at the California Almond Conference. The event draws farmers, industry representatives, researchers and others to the Sacramento Convention Center each year. DPR provided worker safety, enforcement, licensing and integrated pest management information to attendees.



MEDIA, OUTREACH AND PUBLIC ENGAGEMENT

EXPANDED SOCIAL MEDIA AND WEBSITE

DPR continued to enhance the department's YouTube, Facebook, LinkedIn, and Twitter accounts. On YouTube, DPR has a dedicated channel for pesticide safety, including Healthy Schools Act training and worker safety videos. The department has also

updated its website to better serve the public and stakeholders. One major effort has involved the creation of a fact sheet directory, which provides easier public access to fact sheets on a wide range of topics including worker safety requirements.

MEDIA OUTREACH

In 2015 and 2016, the work of DPR scientists and management garnered a lot of media attention. The department's decision to announce enhanced protections for the fumigant chloropicrin, coupled by the decision to hold 15 public workshops ahead of a proposed regulation about agricultural pesticides near schools, and the announcement of a new plan for the usage of the pesticide 1,3-D, all meant increased public and media attention. In addition, DPR took a number of enforcement actions against retailers who repeatedly sold tainted produce. This generated awareness of this issue with underserved populations, the media and the public.

SIGNIFICANT LEGISLATION

During the 2015-2016 Legislative Session, DPR sponsored one measure—AB 2892 (Committee on Environmental Safety and Toxic Materials)—to further DPR’s ability to protect workers who handle organophosphate pesticides from potential harm. This measure was signed by Gov. Jerry Brown and has become law. The following are summaries of the major bills that affect our program that were signed into law this session.

2015

AB 243 (Wood, Chapter 688, 2015), AB 266 (Bonta, Chapter 689, 2015) & SB 643 (McGuire, Chapter 719, 2015) Medical Marijuana Regulation and Safety Act

These bills, among other things, would enact the Medical Marijuana Regulation and Safety Act for the licensure and regulation of medical marijuana and would establish within the Department of Consumer Affairs the Bureau of Medical Marijuana Regulation. The act requires the Department of Food and Agriculture, the Department of Pesticide Regulation, the State Department of Public Health, the Department of Fish and Wildlife, and the State Water Resources Control Board to promulgate regulations or standards relating to medical marijuana and its cultivation. DPR’s role in this regulatory scheme as outlined in this legislation was changed and clarified in SB 837 (Chapter 32, 2016).

2016

SB 837 (Committee on Budget and Fiscal Review, Chapter 32, 2016) Medical Cannabis Regulation and Safety Act

This bill, among other things, changes the name of the Medical Marijuana Regulation and Safety Act, the Bureau of Medical Marijuana Regulation, and the Medical Marijuana Regulation and Safety Act Fund to the Medical Cannabis Regulation and Safety Act, the Bureau of Medical Cannabis Regulation, and the Medical Cannabis Regula-



tion and Safety Act Fund, and would change references to medical marijuana or marijuana to medical cannabis or cannabis. It also clarifies DPR’s role to provide guidelines for the use of pesticides in the cultivation of cannabis and to provide the Bureau of Medical Cannabis Regulation guidelines for limits on pesticide residue in harvested cannabis.

AB 2892 (Committee on Environmental Safety and Toxic Materials Committee, Chapter 475, 2016) Pesticide poisoning.

This bill would extend the sunset date of Health and Safety Code (HSC) section 105206 (the statute that requires results of mandated worker cholinesterase tests be forwarded to DPR) until January 1, 2021, and would require medical supervisors who monitor cholinesterase levels in workers to register with the Office of Environmental Health Hazard Assessment (OEHHA). Additionally, this bill would require medical supervisors to report test results of agricultural workers exhibiting lowered cholinesterase levels as a result of pesticide poisoning according to HSC section 105200.

PESTICIDE REGULATORY PROGRAM FUNDING HIGHLIGHTS

In Fiscal Year 2015-16, DPR employed about 361 employees. With a budget of \$92 million, DPR is funded almost entirely by regulatory fees, with a small amount of federal funds and reimbursements.

DPR's largest revenue source is the mill assessment, a fee levied on pesticide sales at the point of first sale into the state. The assessment is currently at the statutory maximum of 21 mills, or 2.1 percent on each dollar of sales. (A mill is equal to one-tenth of a cent). An additional three-fourths mill is assessed on agricultural and dual-use products (pesticides labeled for use in both agriculture and non-agricultural settings) to support pesticide consultation activities of the California Department of Food and Agriculture.

Other sources of revenue are:

- * Annual certificates of product registration. (All pesticide products must be licensed with DPR before sale or use in California).
- * Pesticide-related licenses issued to people and businesses that sell, apply or recommend the use of pesticides.
- * Civil penalties (for example, for selling unregistered or misbranded pesticide products).
- * Miscellaneous fees and various reimbursements.
- * Funds from the U.S. Environmental Protection Agency or the U.S. Department of Agriculture for activities DPR performs with or on behalf of these agencies.

FUNCTIONAL ACCOUNTING

Budgets of government agencies traditionally divide funds by organizational units. But, like other integrated regulatory programs, most of DPR's functions cut across organizational units. Unit-based budgeting makes it difficult to know the costs associated with each function. In 2004, DPR adopted activity-based accounting that focuses on the costs and performance of specific program functions rather than those of each organizational unit. Each program function represents a group of underlying activities, which may be performed by units in one or more branches. For example, the pesticide registration function contains all DPR activities to register a product, no matter what organizational unit the activity occurs in. The information provided by functional accounting allows DPR to refine its budget and fees to accurately recover costs associated with specific activities.

Functional accounting is linked to DPR's operational plan. The plan describes activities DPR plans to complete during the fiscal year, with performance measures for each function. DPR's operational plans and performance measures are posted on our website, as are the functional accounting year-end reports. This allows stakeholders to review specific goals, costs associated with them, and whether goals are being met.

MAJOR BUSINESS FUNCTIONS AND KEY ACTIVITIES

14% Product Registration

A pesticide must be registered (licensed) with the state before it can be sold or used in California. Pesticide registration is the scientific, legal, and administrative evaluation process of a pesticide product before its registration. It includes: tracking submissions, certain technical and scientific evaluation, processing labels, preparing public notices, corresponding with registrants, overseeing data call-ins, maintaining label files and the pesticide data library, and providing information on registered pesticides and label instructions to pesticide enforcement agencies and the public.

5% Human Health & Environmental Assessments

Risk assessment includes hazard identification, dose-response assessment, exposure assessment, and preparation of a risk characterization document that assesses potential dietary, workplace, residential, and ambient air exposures. Also included are: activities regarding toxic air contaminants (TACs), coordinating with other agencies and scientific reviewers on risk assessment documents, preparing the environmental fate element of risk assessments, and prioritization of pesticides for risk assessment.

2% Licensing and Certification

Through licensing and certification, DPR ensures that people selling, possessing, storing, handling, applying, or recommending the use of pesticides are competent and knowledgeable in their safe use. DPR conducts exams; issues and renews licenses for commercial pest control applicators, aerial applicators, pesticide dealers' designated agents, and pest control advisers; and certifies pesticide applicators that use or supervise the use of restricted pesticides. This function also includes reviewing and accrediting continuing education courses. DPR also licenses pest control businesses, maintenance gardener pest control businesses, pesticide brokers, and pest control dealers.

1% Pesticide Use Reporting

In California, all agricultural pesticide use must be reported, as well as commercial applications to structures, landscapes and turf. The main exceptions to full use reporting are home-and-garden applications, and most industrial and institutional uses. Pesticide users submit reports to their local county agricultural commissioner (CAC) who, in turn, submits the data to DPR, which compiles and analyzes the data, and makes it available online.

15% Monitoring/Surveillance

After registration, State law requires DPR to continuously evaluate pesticides to protect the public and the environment. Through monitoring and surveillance, DPR analyzes hazards and develops pollution prevention strategies. Activities include air, ground water, and surface water monitoring; investigation and evaluation of pesticide illnesses; and testing of fresh produce. Other activities include special monitoring projects and developing pesticide analytical methods. Exposure monitoring includes conducting studies to collect data on potential exposure patterns and to assess regulatory requirements. When products are proposed for formal reevaluation, activities include reviewing evidence that supports initiation of reevaluation.

5% Mitigation of Human Health Risks

DPR uses scientific data to develop measures to reduce human exposure to pesticides that have unacceptable risks. This may include exposures in air, the workplace, and in food and water. Activities include reviewing data to assess worker health impact of pesticide use and developing mitigation strategies. Mitigation measures may include label changes, placing conditions on registration (for example, restricting use to situations with no exposure concerns), and preparing health and safety recommendations for incorporation into regulations, and permit conditions. For products under formal reevaluation, activities include determining health risks and identifying methods to reduce or eliminate these risks.

7% Mitigation of Environmental Hazards

Mitigation of environmental hazards involves using scientific data to develop measures to protect the environment from the potentially adverse effects of pesticides. This includes developing mitigation strategies to protect air, ground water, surface water, endangered species, and desirable (non-target) plants. Mitigation measures may include proposed label changes, placing conditions on registration, regulations, and permit conditions. For products under formal reevaluation, activities include determining environmental risks and identifying methods to reduce or eliminate these risks.

6% Pest Management

These programs assess the impacts and potential problems resulting from pesticide use, focusing on preventive solutions that incorporate integrated pest management (IPM). Activities include facilitating adoption of IPM in schools, awarding grants to encourage development and use of alternatives to pesticides, and the IPM Achievement Awards program. Other activities include technical/scientific resource services, such as evaluating pest management practices that prevent environmental and human health problems and working with industry to implement these practices.

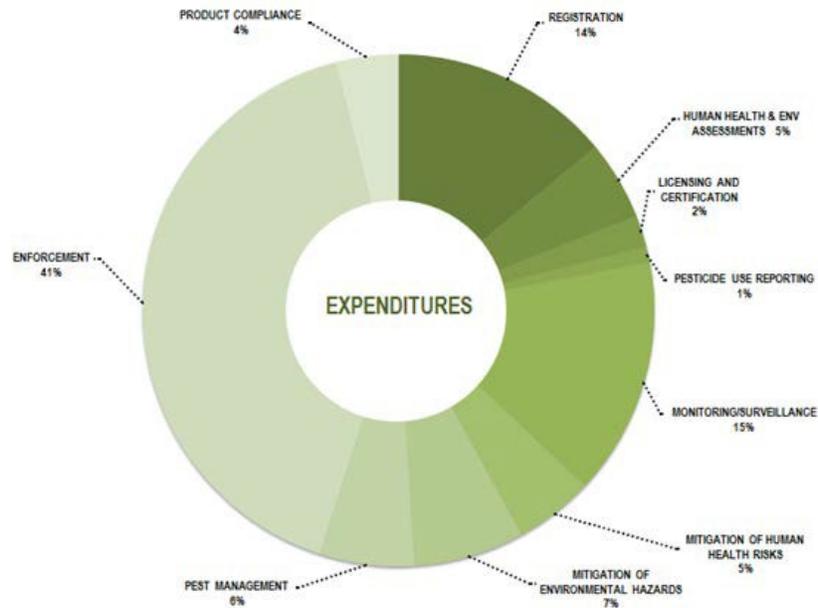
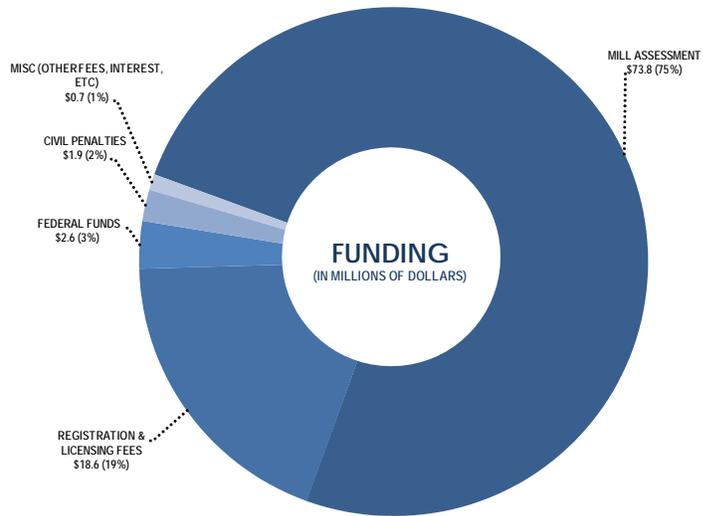
41% Use Enforcement and Compliance

Local enforcement of pesticide use is largely carried out by CACs and their staffs. DPR personnel, with field staff in Anaheim, Clovis and Sacramento, provide the CACs with training, coordination, technical and legal support. Oversight includes: developing statewide enforcement priorities and guidance, evaluating CAC performance under annual work plans, and researching and analyzing compliance trends. Activities also include pesticide misuse investigations and issuing enforcement actions.

4% Product Compliance and Mill Assessment

The mill assessment and product compliance program ensures products are registered before sale and use, that they are labeled correctly, and that required fees have been paid. Activities include: inspecting products offered for sale, reviewing labels to ensure they are registered, auditing pesticide sellers to ensure they are paying sufficient assessments on their sales, and initiating enforcement actions against sellers in violation of requirements. Also, overseeing disbursement of the required percentage of mill revenues to CACs, and evaluating trends in the value of the mill.

FUNDING AND EXPENSES





THE COUNTY AGRICULTURAL COMMISSIONERS

California's 54 county agricultural commissioners (CACs) and their staffs are a critical bridge between agricultural communities and state regulators. This unique DPR/County partnership established by the California Legislature requires CACs to enforce pesticide laws at the county level. This includes not only the responsibility of inspecting growers, applicators, farm labor contractors and others in the county who may handle pesticides, but also conducting trainings and doing outreach for growers. CACs investigate pesticide exposure incidents, complaints, and issue restricted materials permits. More than 300 biologists work under the CACs to carry out their mission. CACs receive pesticide enforcement funding from DPR and their county governments. Other CAC funding comes from grants, fees, fines and the California Department of Food and Agriculture (CDFA). DPR and CDFA meet monthly with commissioners and their staffs.





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