



**California Agricultural Commissioners and
Sealers Association**

Regulatory Concepts for Field Fumigation Notification

Cal-EPA

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California Agricultural Commissioners and Sealers Association

Notification – Regulatory Concepts

Thank you for holding this workshop in Sacramento

Let's consider/determine:

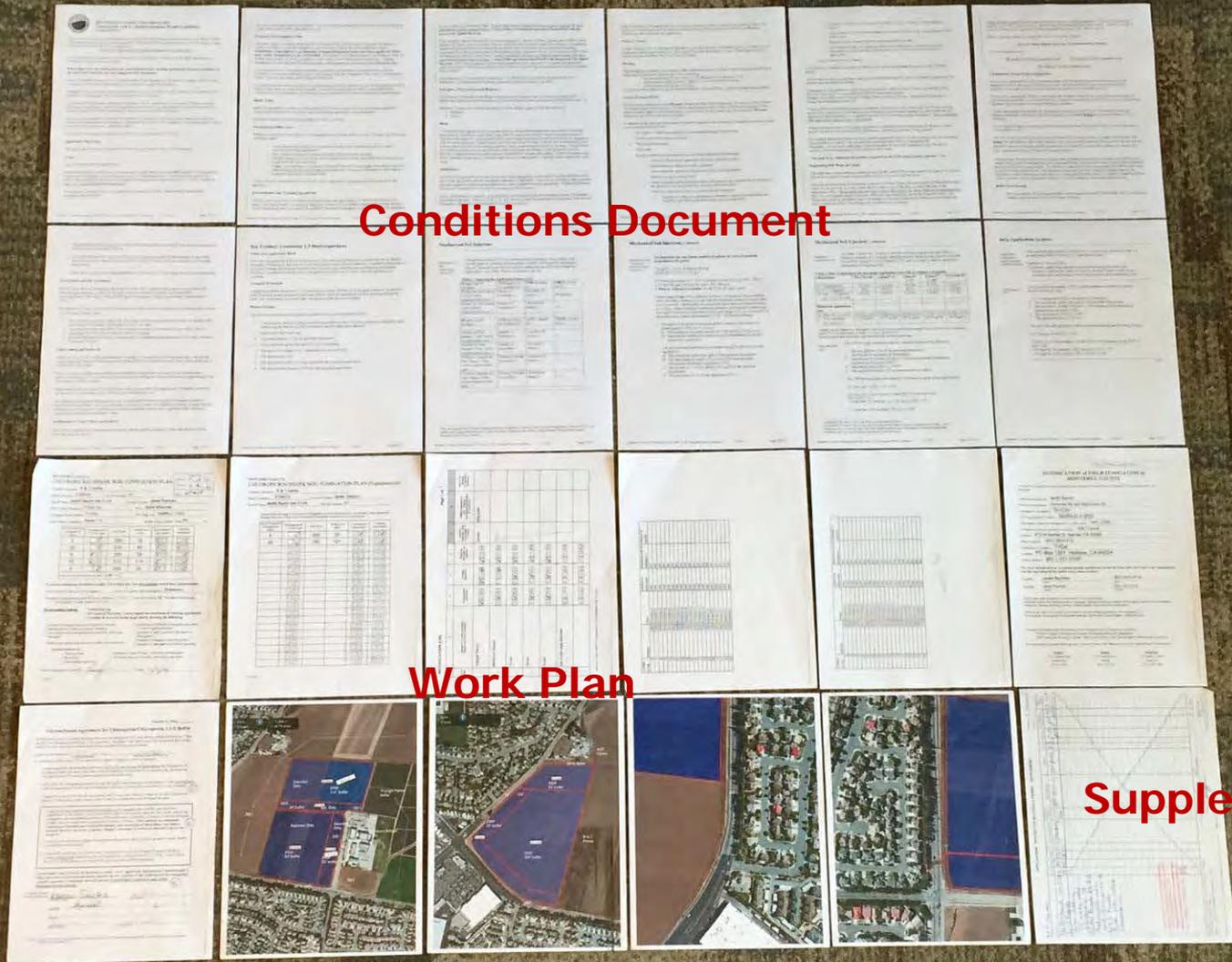
- Respective regulatory roles/responsibilities of DPR vs. CAC
- Purpose for notification (who, what, when, why...?)
 - o Risk Mitigation
 - o Emergency Response
 - o Right to know/transparency
- Workload impacts on CAC's (enforcement expectation, complaint follow-up, outreach)
- Uniformity (Co.-Co., consistency statewide)
- Complexity (varying sites, geography, seasonality)
- Enforceability/Practicality



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- PUE workload (e.g. Monterey, varies county to county)**
- o 30% budget dedicate to pesticide programs**
- o High % dedicated to fumigation work**
- o Development of Fumigation Plans (MBr vs. other)**
- o Most fumes occur June - Nov. (varies co. – co.)**
- o From July – October (7 staff dedicated to fumigation work)**
 - o 2014 - 335 worksite/fumigation plans (1-5 applications/site)**
 - o 2-8 hours staff time per plan**
 - o Site visit for each plan**
 - o Issuance of RMP**
 - o NOI/Pre-site application inspection**

Fumigation Plan Sample



Conditions Document

Work Plan

Supplemental



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Fumigation Plans – Central Coast

- Restricted Material Permits are issued annually - ONLY after a Fumigation Plan is evaluated**
- Growers use licensed professionals to assist in preparation**
- The plans are comprehensive documents that include:**
 - Who, what, where**
 - Acres/block**
 - Buffer zones**
 - Emergency response as required, difficult to evacuate sites**
 - Tarp type**
 - 4 week window for application**
 - Notification log**
 - Encroachment agreements**
 - Maps, details including: property lines; bus stops; surrounding structures; roadways, right-of-ways, sidewalks, walking paths; lakes; waterways; and wells**



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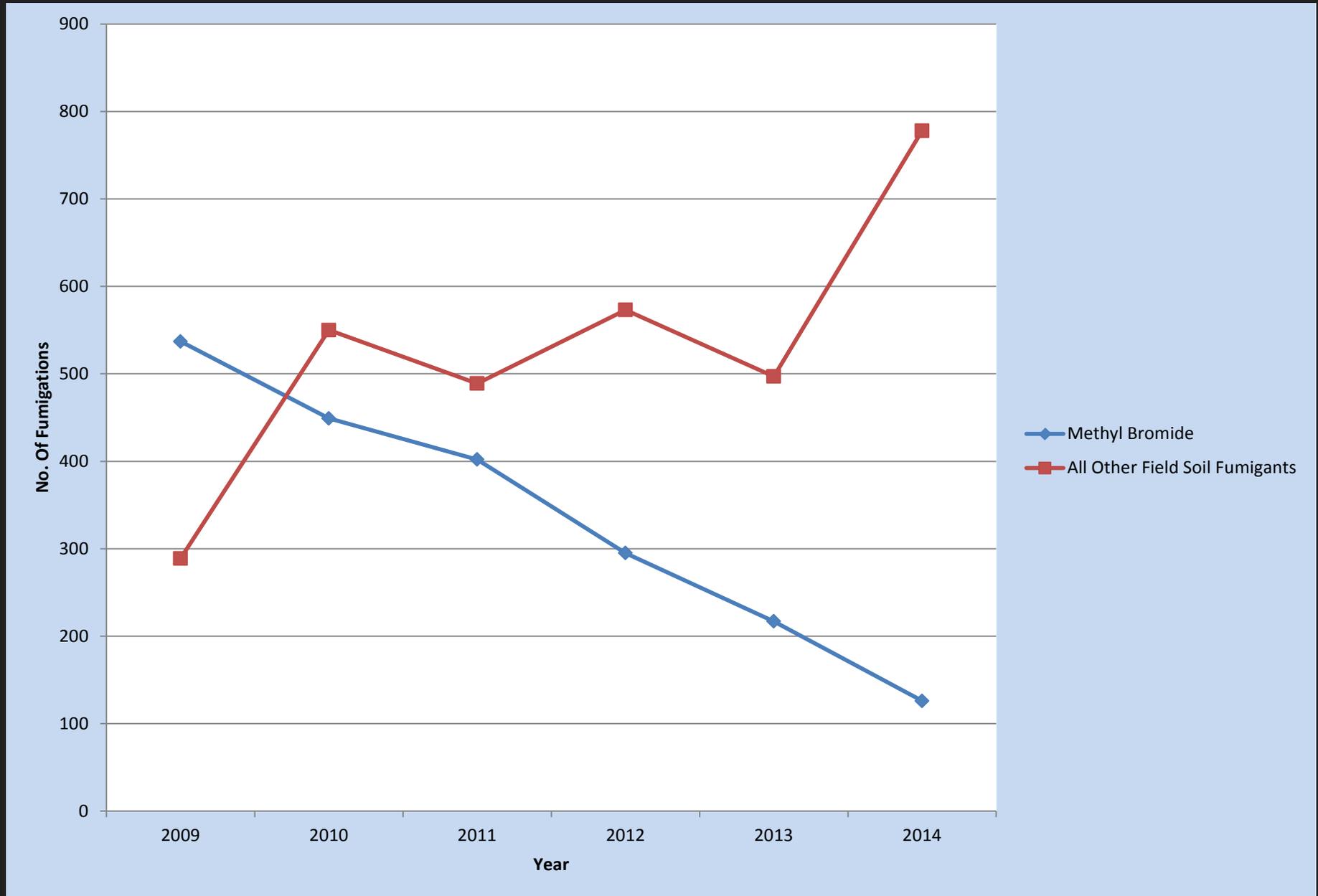
Challenges, delays – re-notification

- o **PCA's and PCB's may delay jobs**
 - weather (too hot, too windy)
 - improper ground preparation
 - Soil too wet or too dry
 - o **equipment failures, glue issues**
 - o **location of fieldworker crews**
 - o **neighbor requests**
 - o **harvest schedules**
 - o **Adjacent use (school, sports fields, etc)**
- Each provides potential for re-notification issues; etc.**

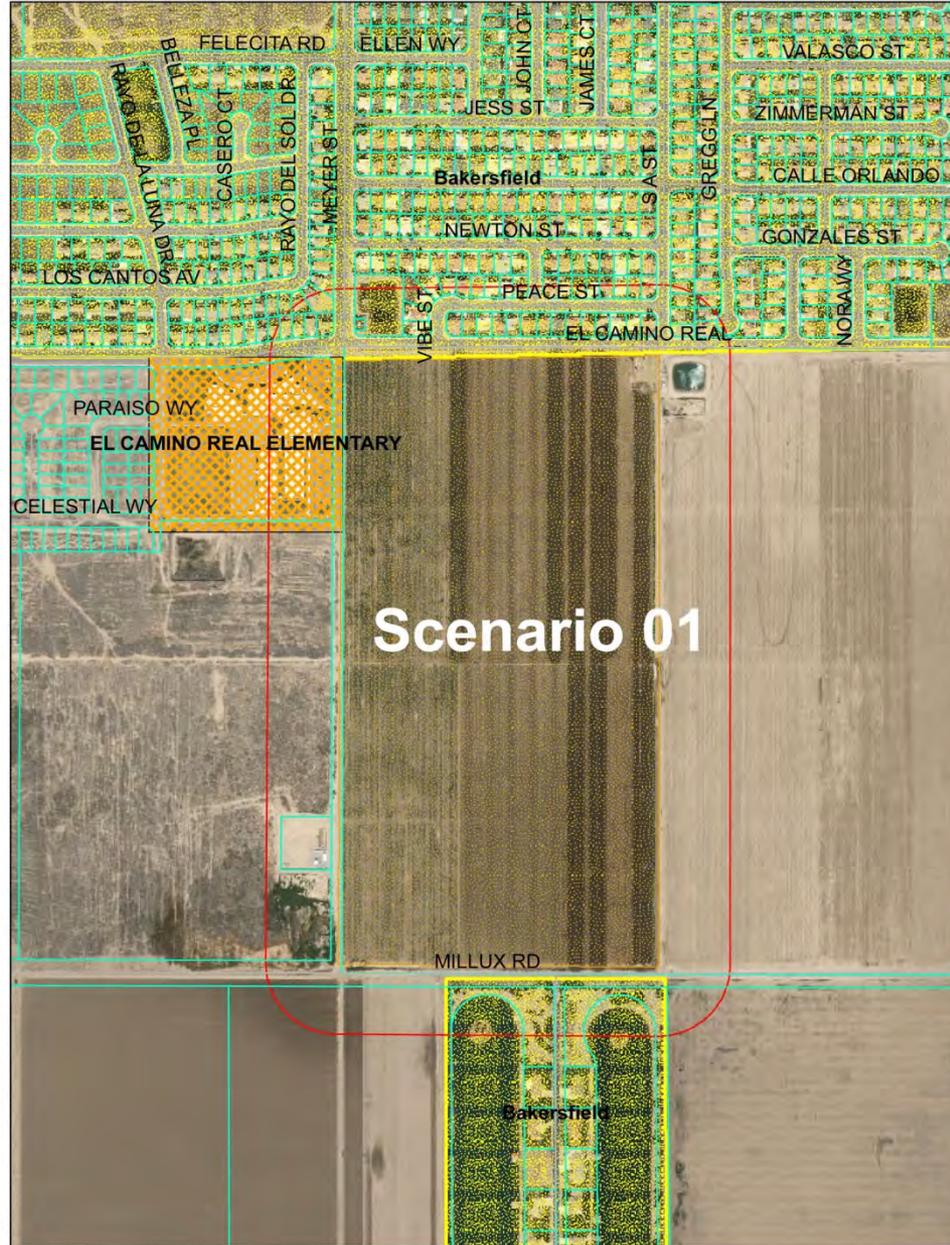
Monterey County Fumigant - Acres

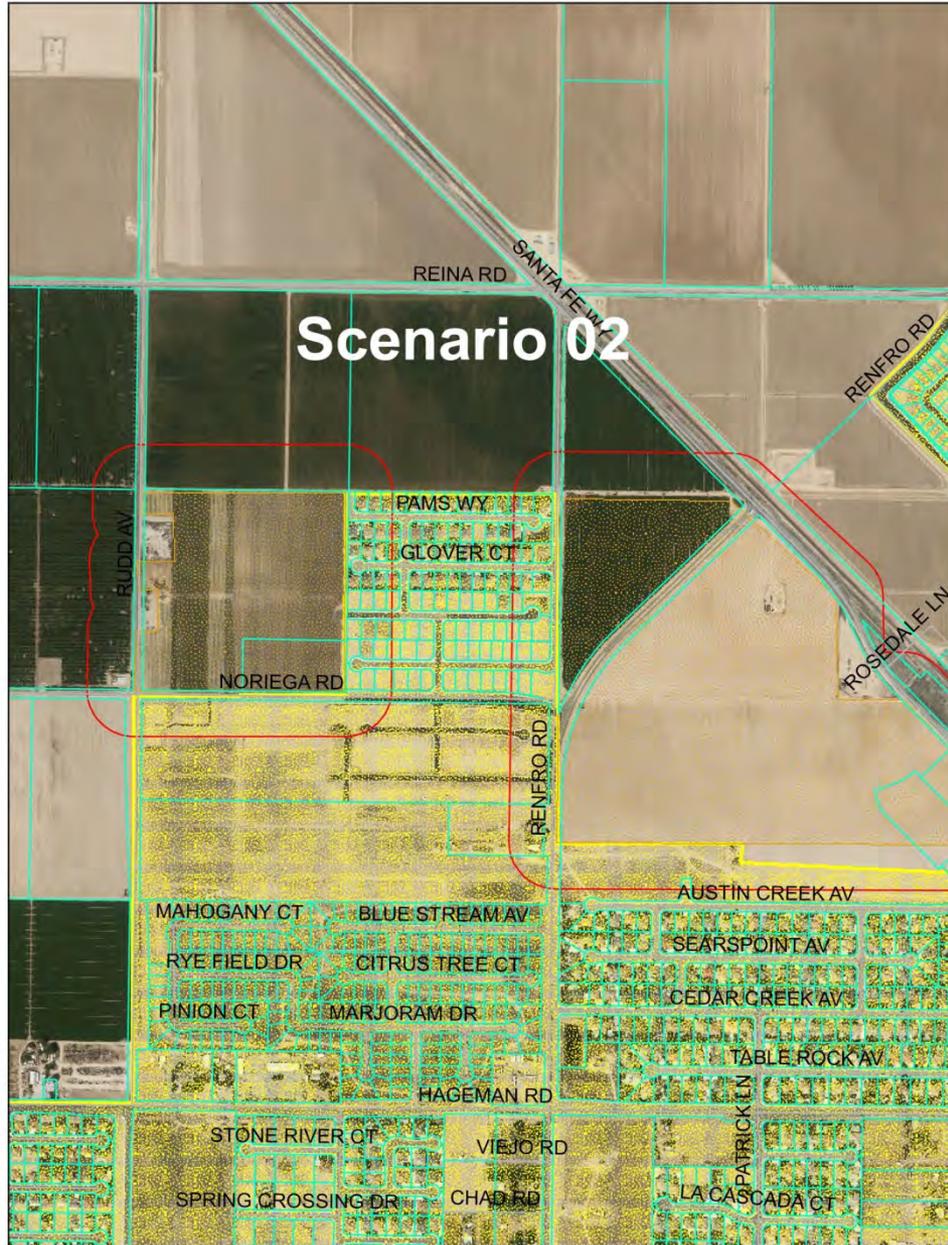


Monterey County Fumigant – Number of Applications



Kern County





Application Site



Application Site

Application Site with Buffer Zone



Application Site with 300 Foot Notification Zone

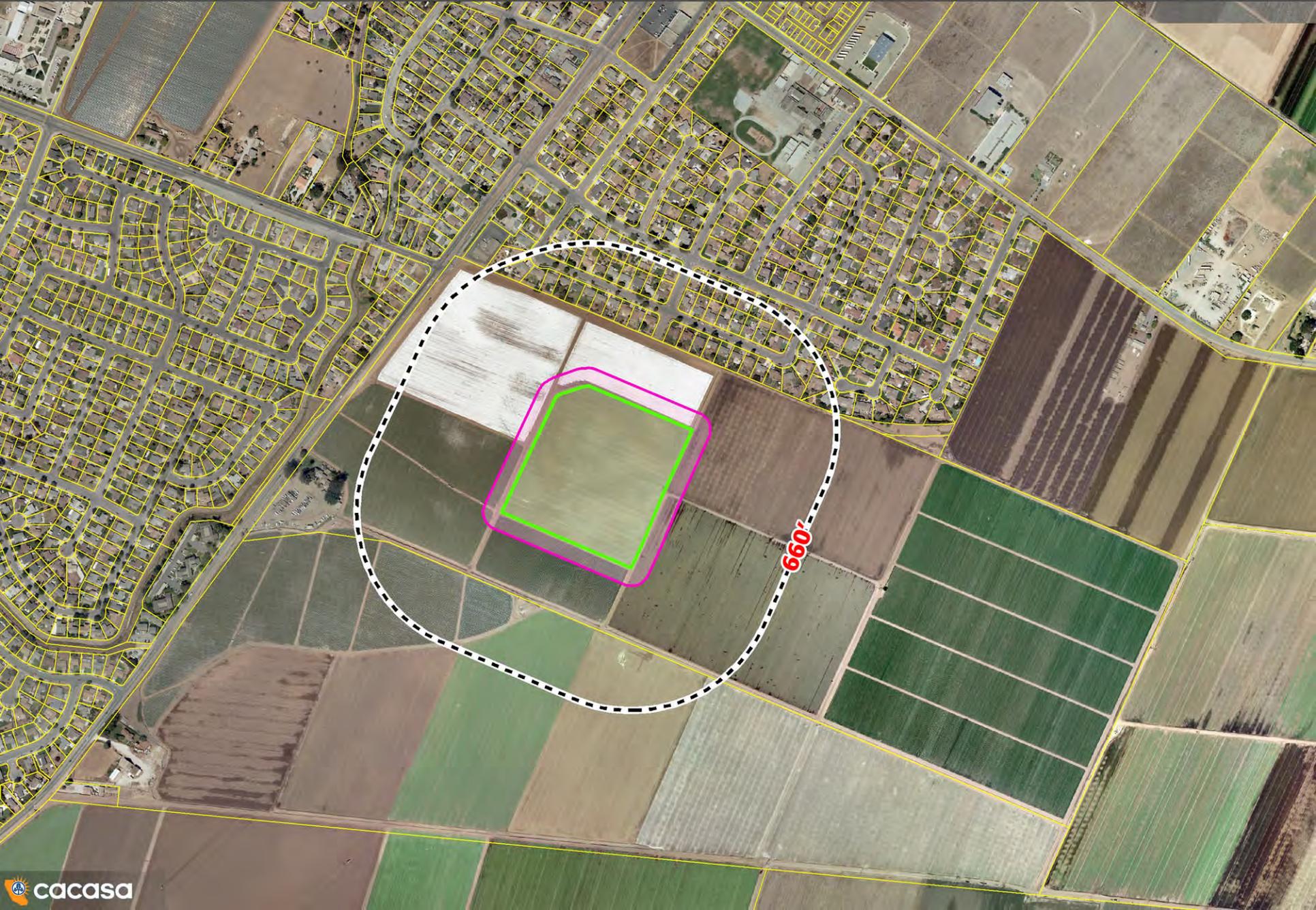


Application Site with 300 Foot Notification Zone & Parcels



300'

Application Site with 660 Foot Notification Zone



Application Site with 660 Foot Notification Zone & Parcels



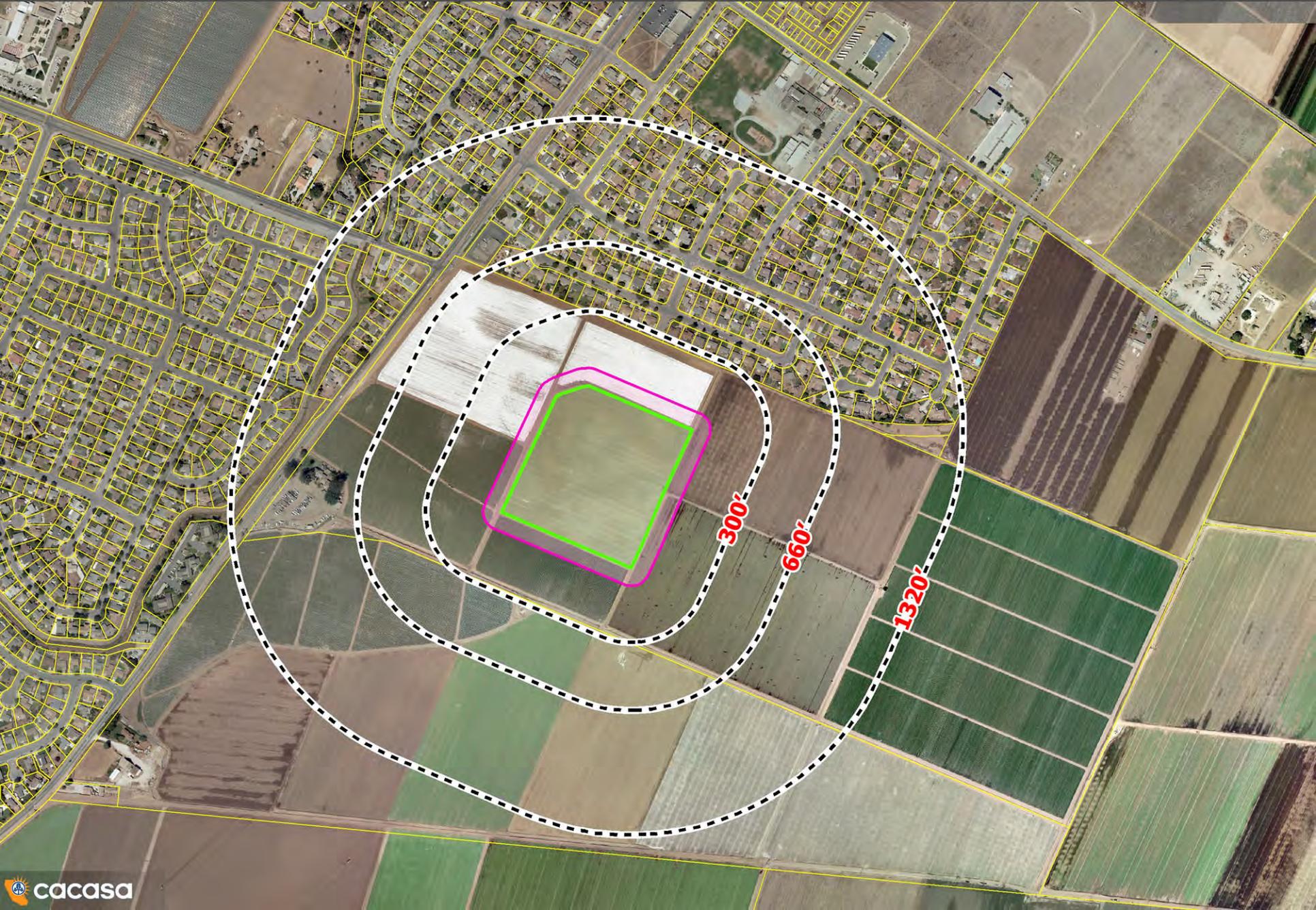
Application Site with 1320 Foot Notification Zone



Application Site with 1320 Foot Notification Zone & Parcels



Application Site with Notification Zones



Application Site with Notification Zones & Parcels



Application Site



Application Site

Application Site with Buffer Zone



Buffer Zone

25 feet

Application Site with 300 Foot Notification Zone



Application Site with 300 Foot Notification Zone & Parcels



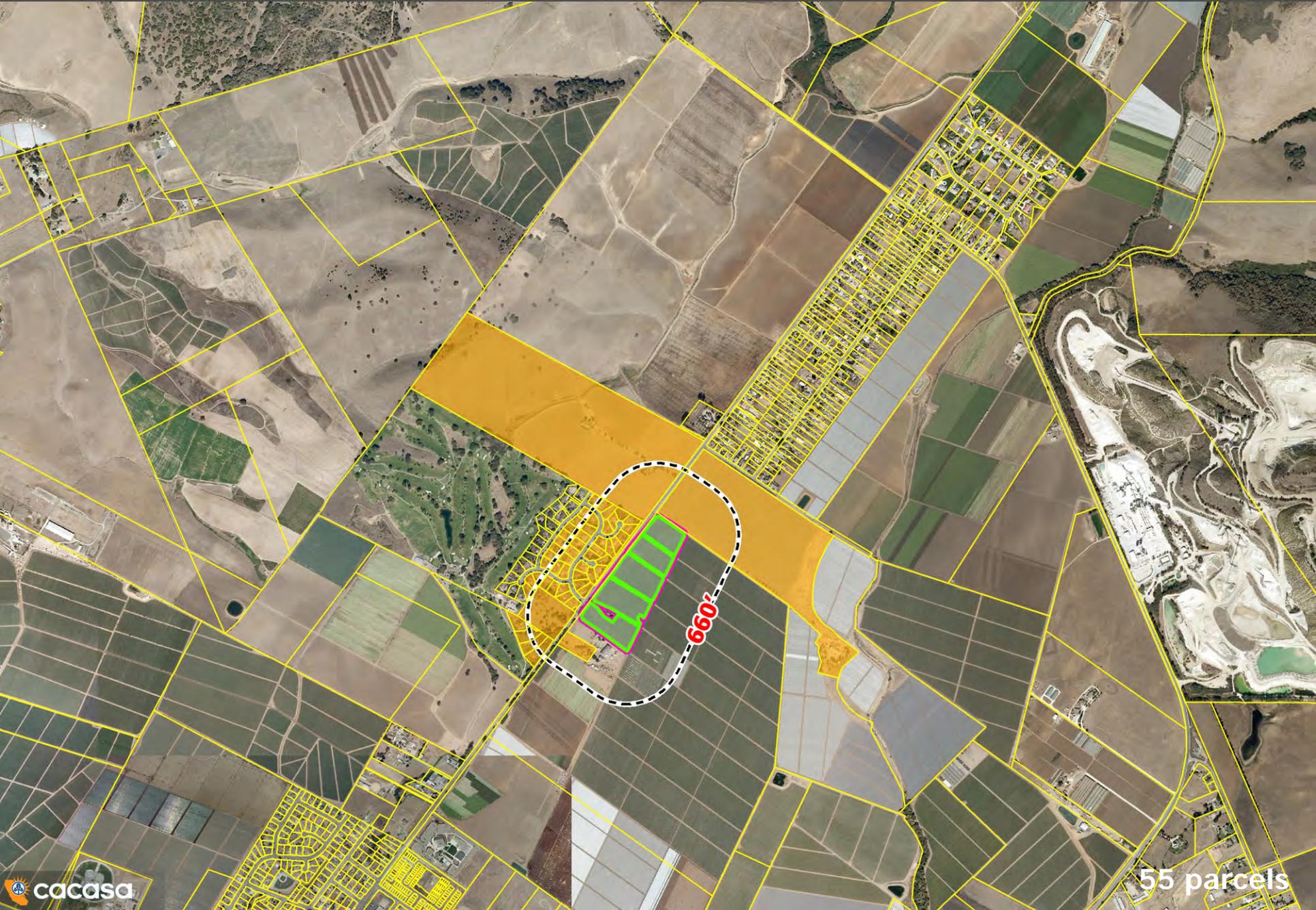
300'

27 parcels

Application Site with 660 Foot Notification Zone



Application Site with 660 Foot Notification Zone & Parcels



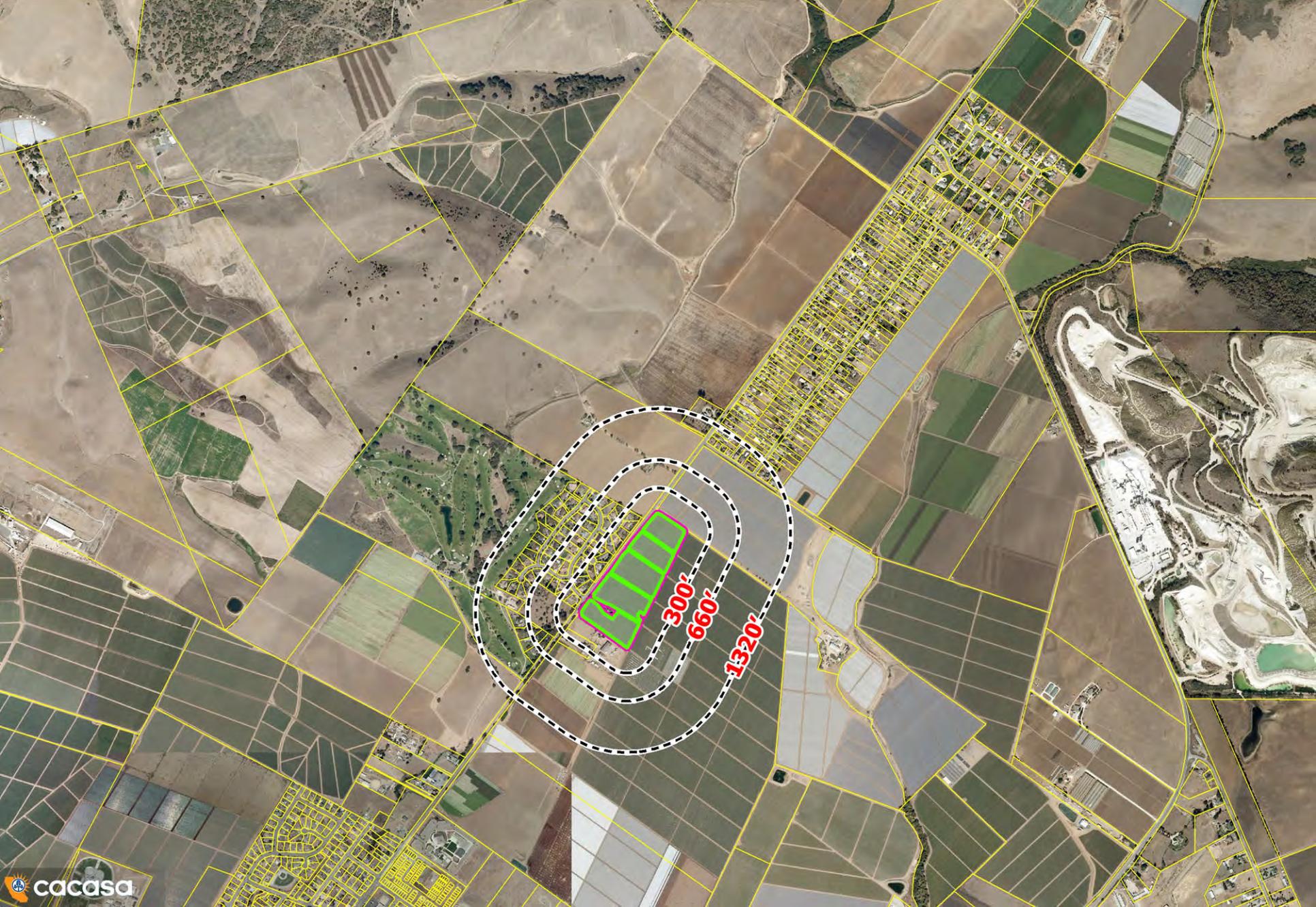
Application Site with 1320 Foot Notification Zone



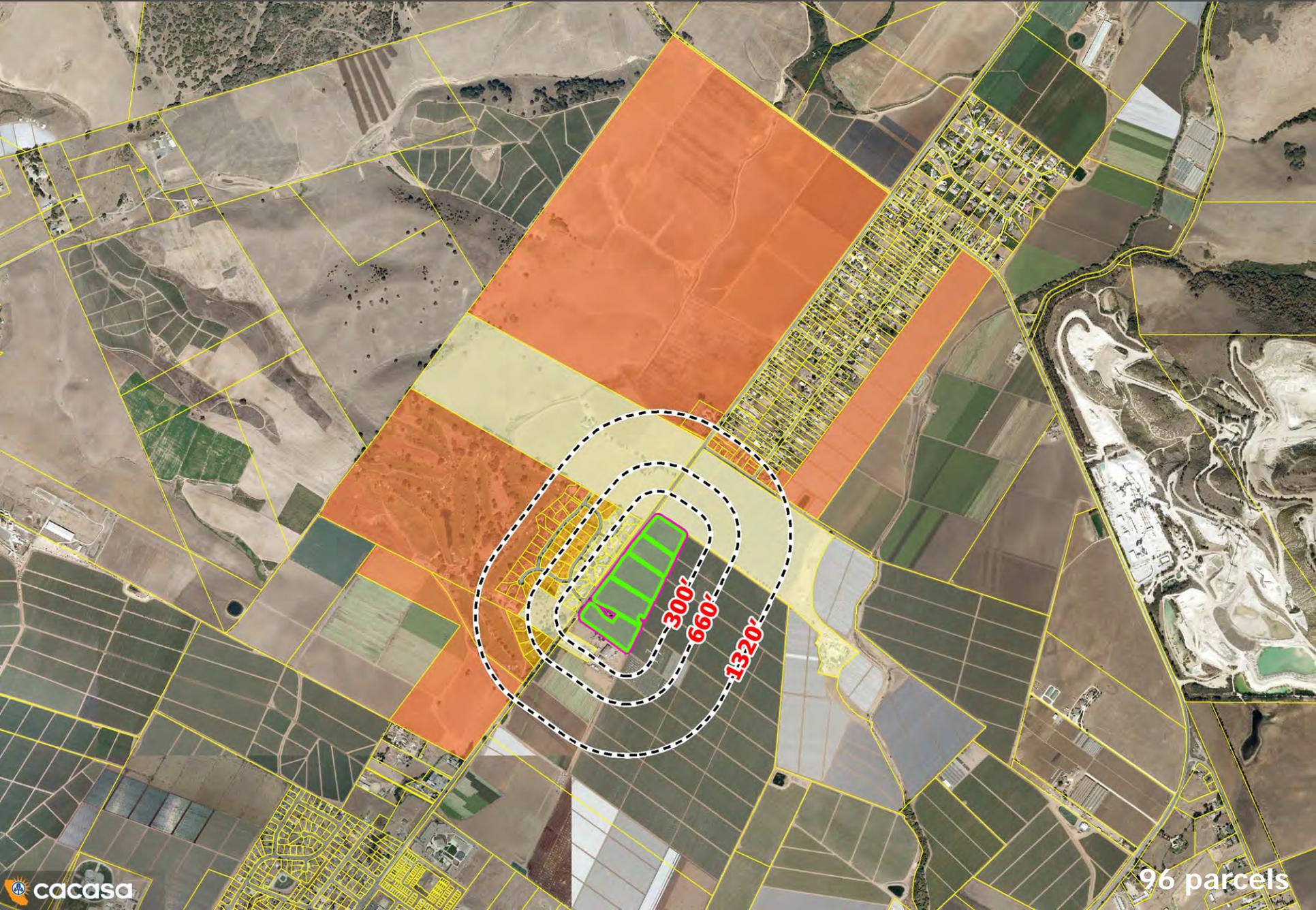
Application Site with 1320 Foot Notification Zone & Parcels



Application Site with Notification Zones



Application Site with Notification Zones & Parcels



Application Site



Application Site

Application Site with Buffer Zone



Buffer Zone

Application Site with 300 Foot Notification Zone



300'

Application Site with 300 Foot Notification Zone & Parcels



Application Site with 660 Foot Notification Zone



660'

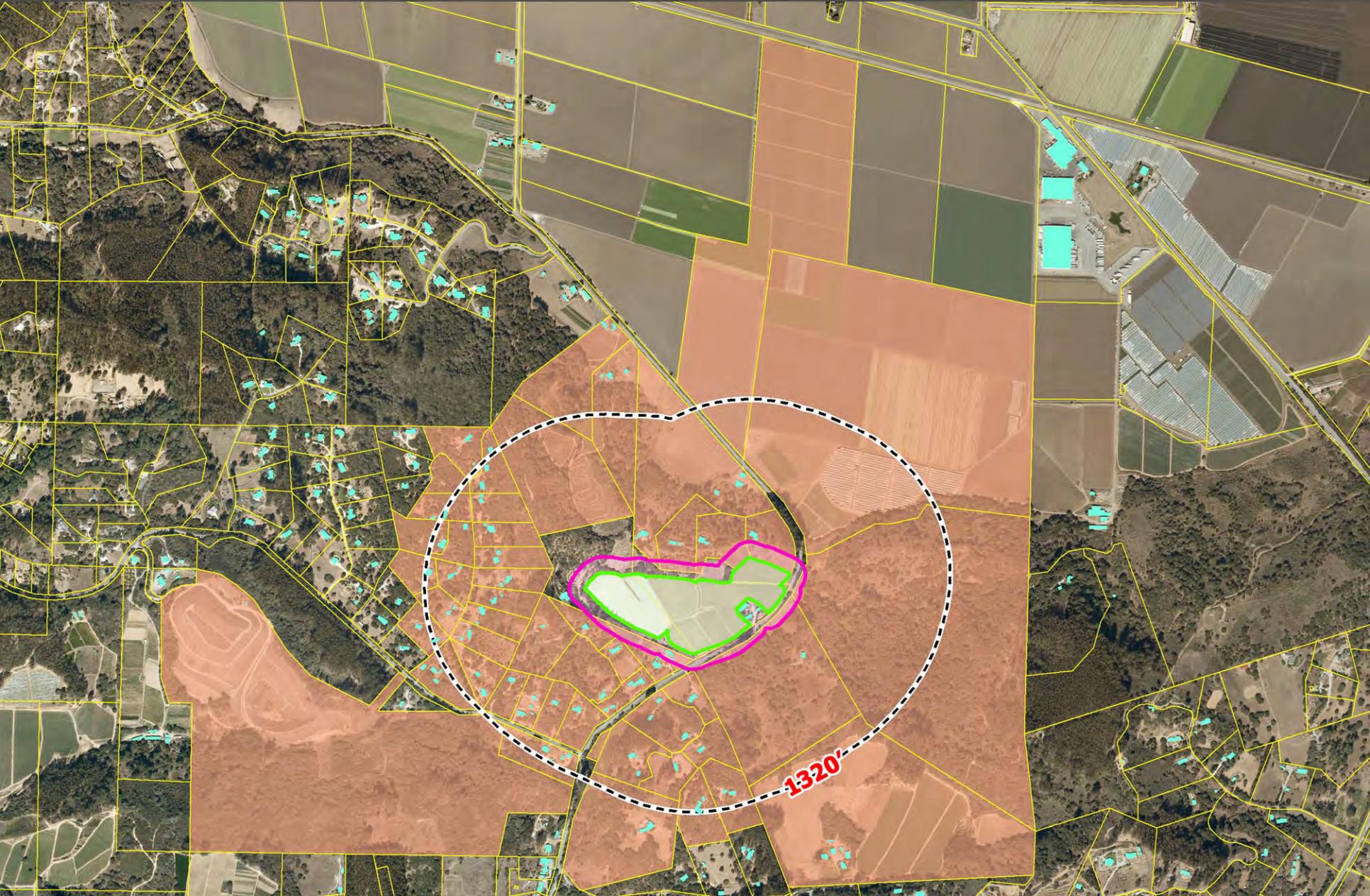
Application Site with 660 Foot Notification Zone & Parcels



Application Site with 1320 Foot Notification Zone



Application Site with 1320 Foot Notification Zone & Parcels



1320'

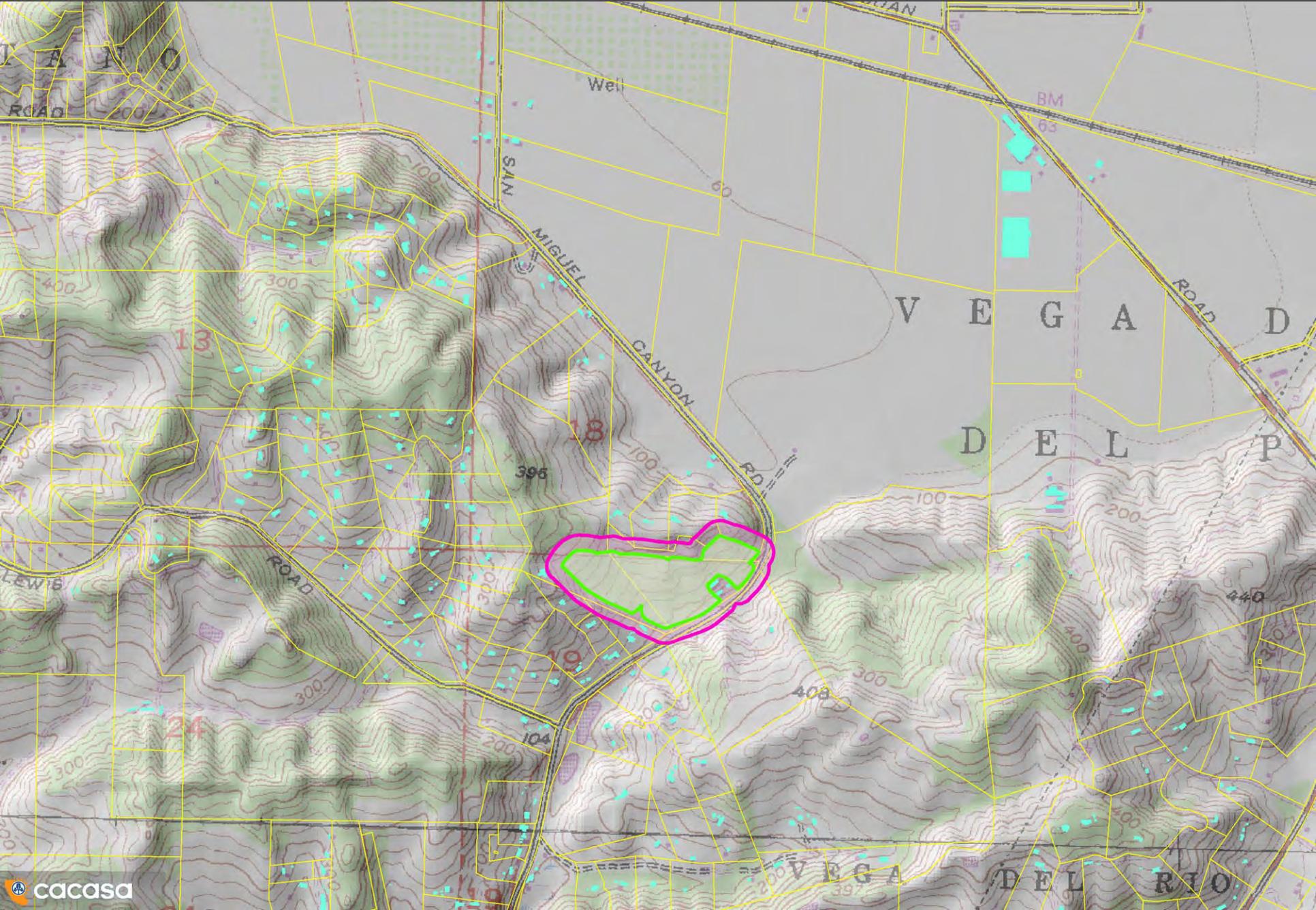
Application Site with Notification Zones



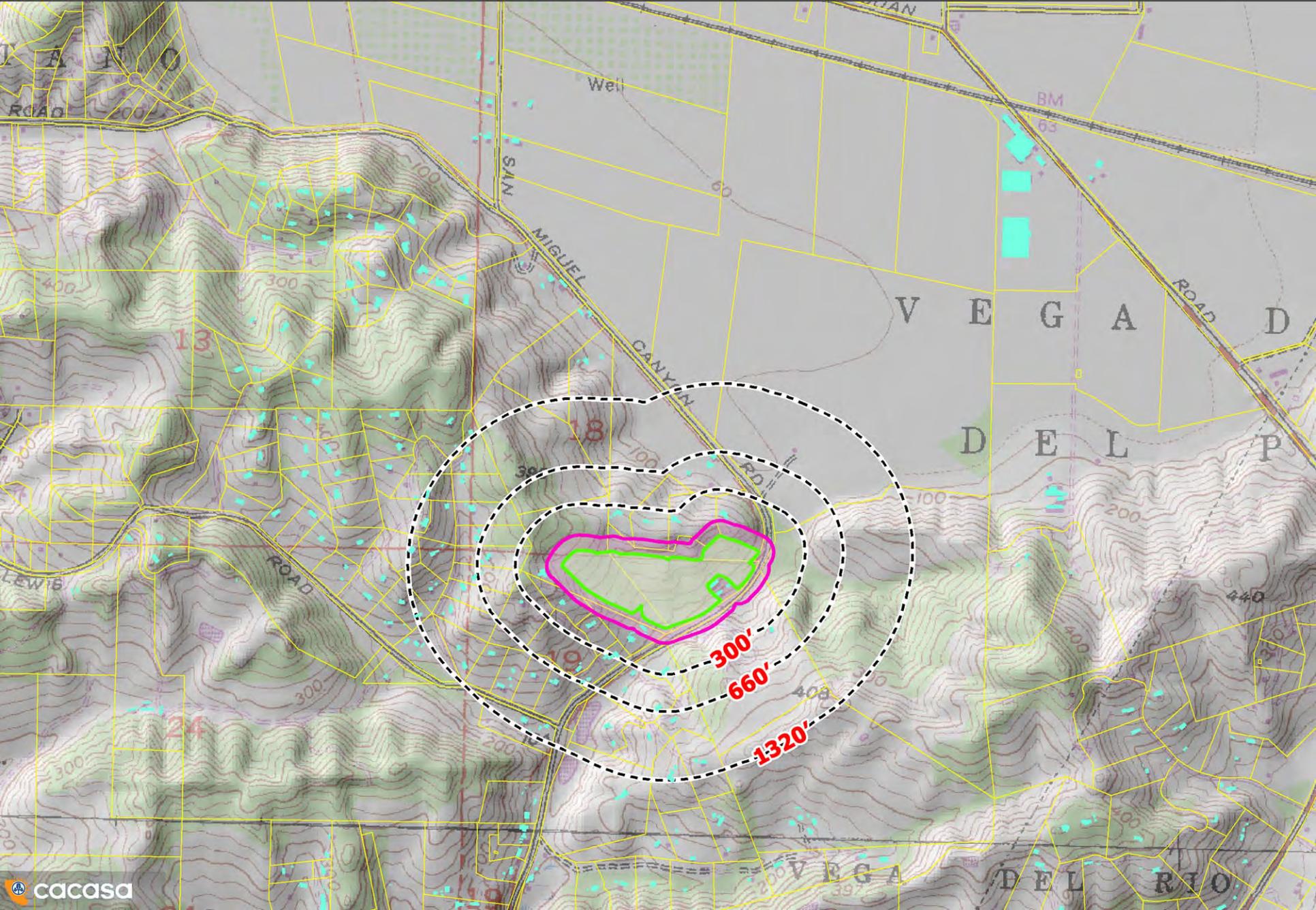
Application Site with Notification Zones & Parcels



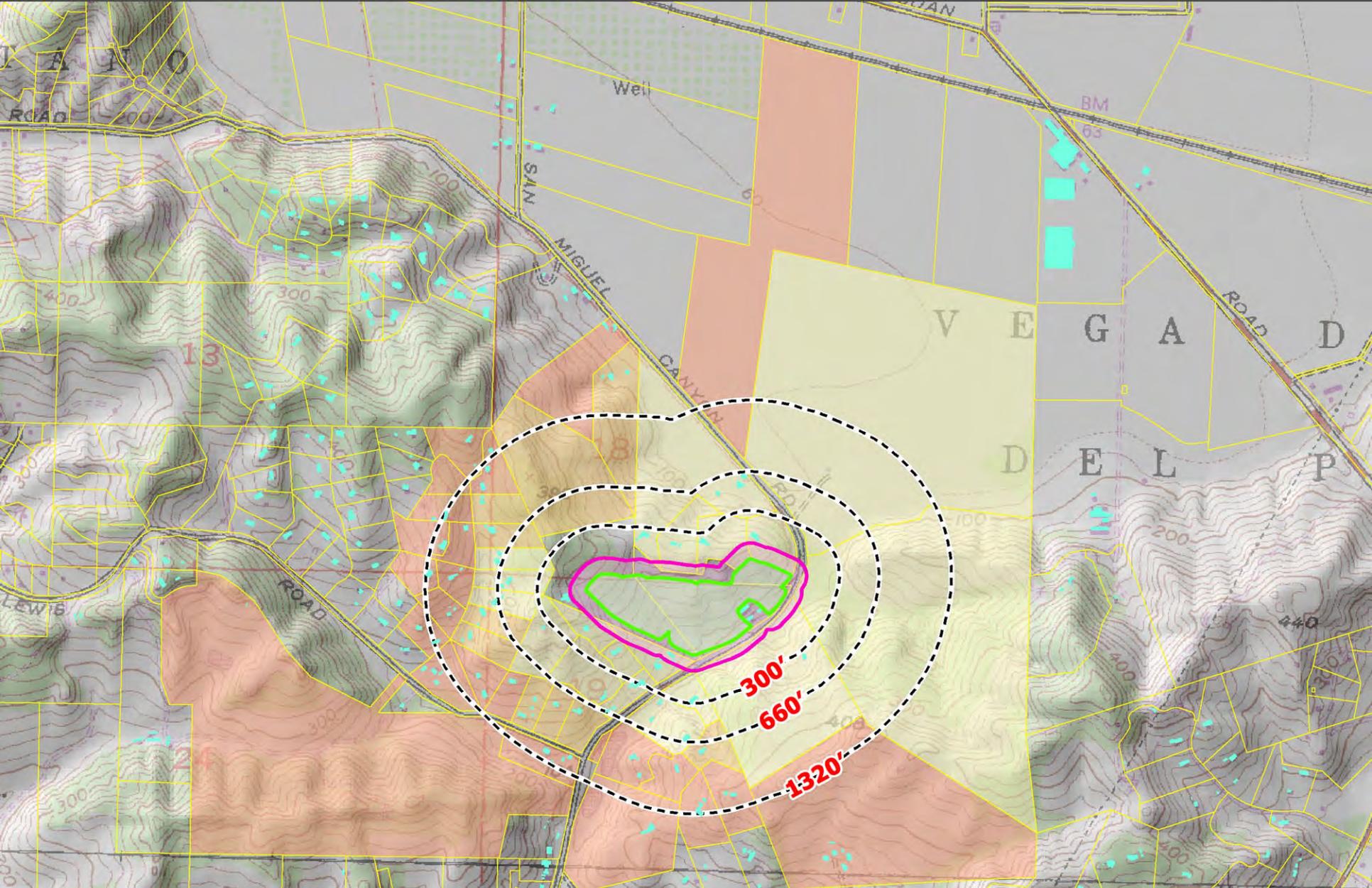
Application Site with Buffer Zone



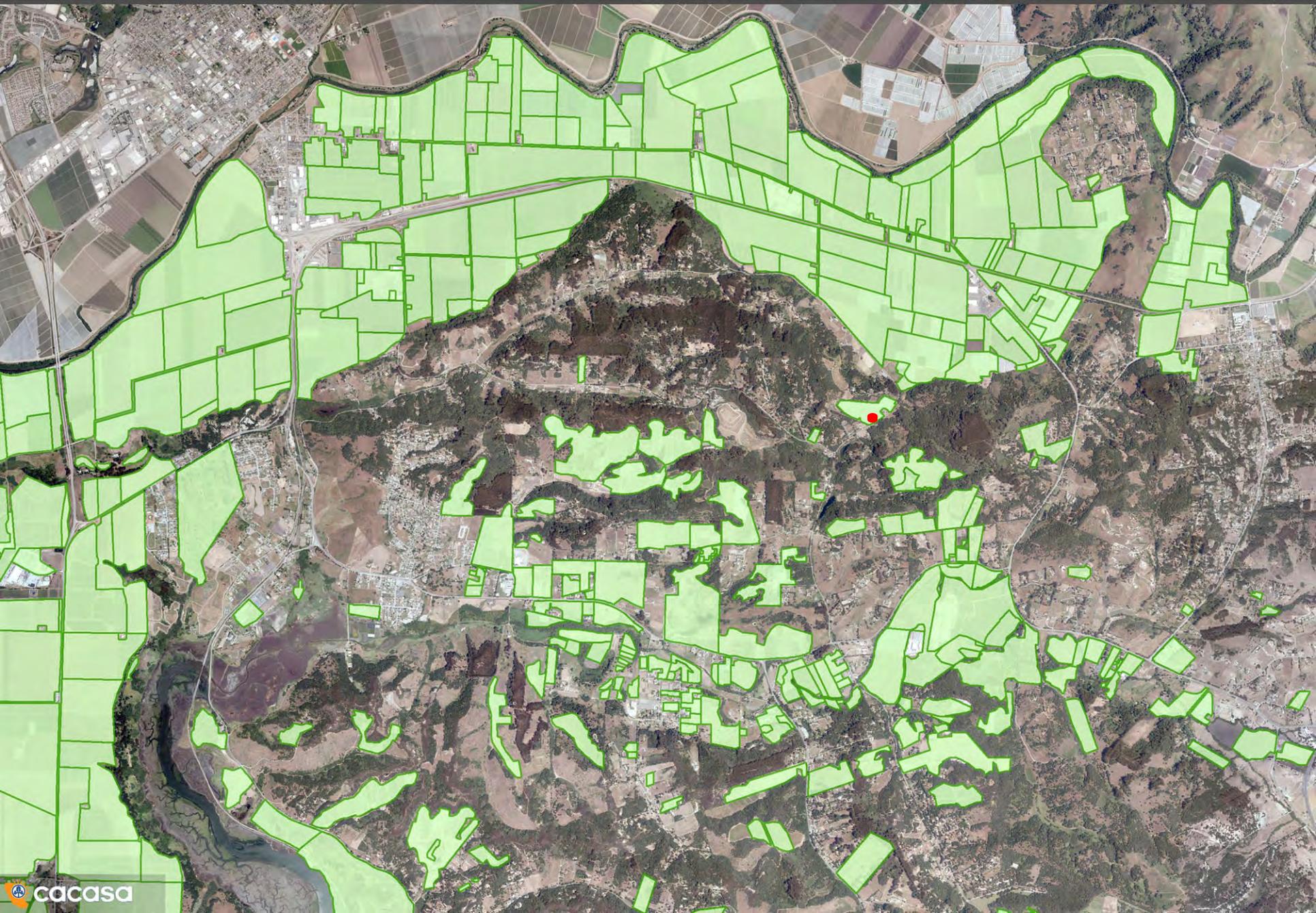
Application Site with Notification Zones



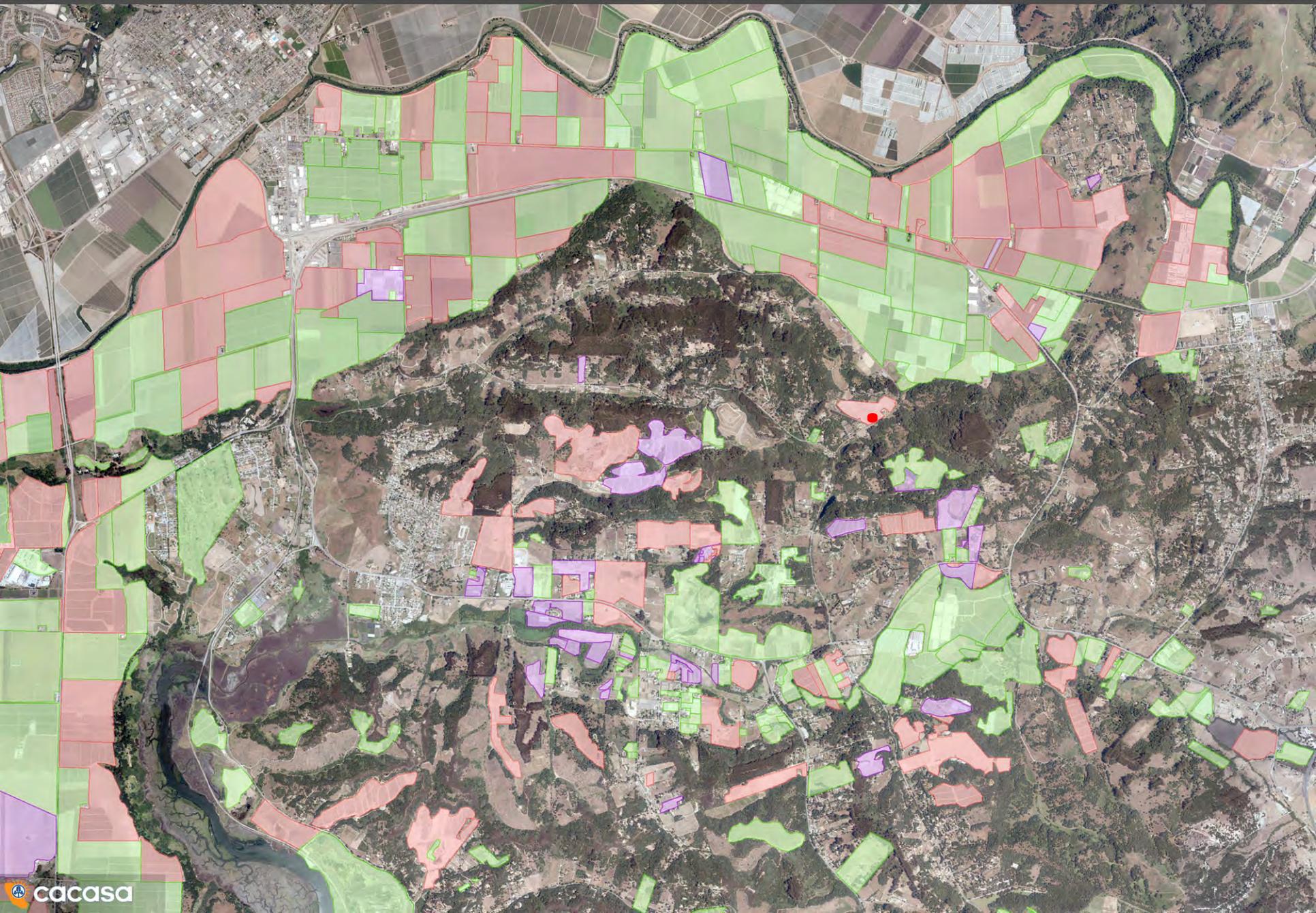
Application Site with Notification Zones & Parcels



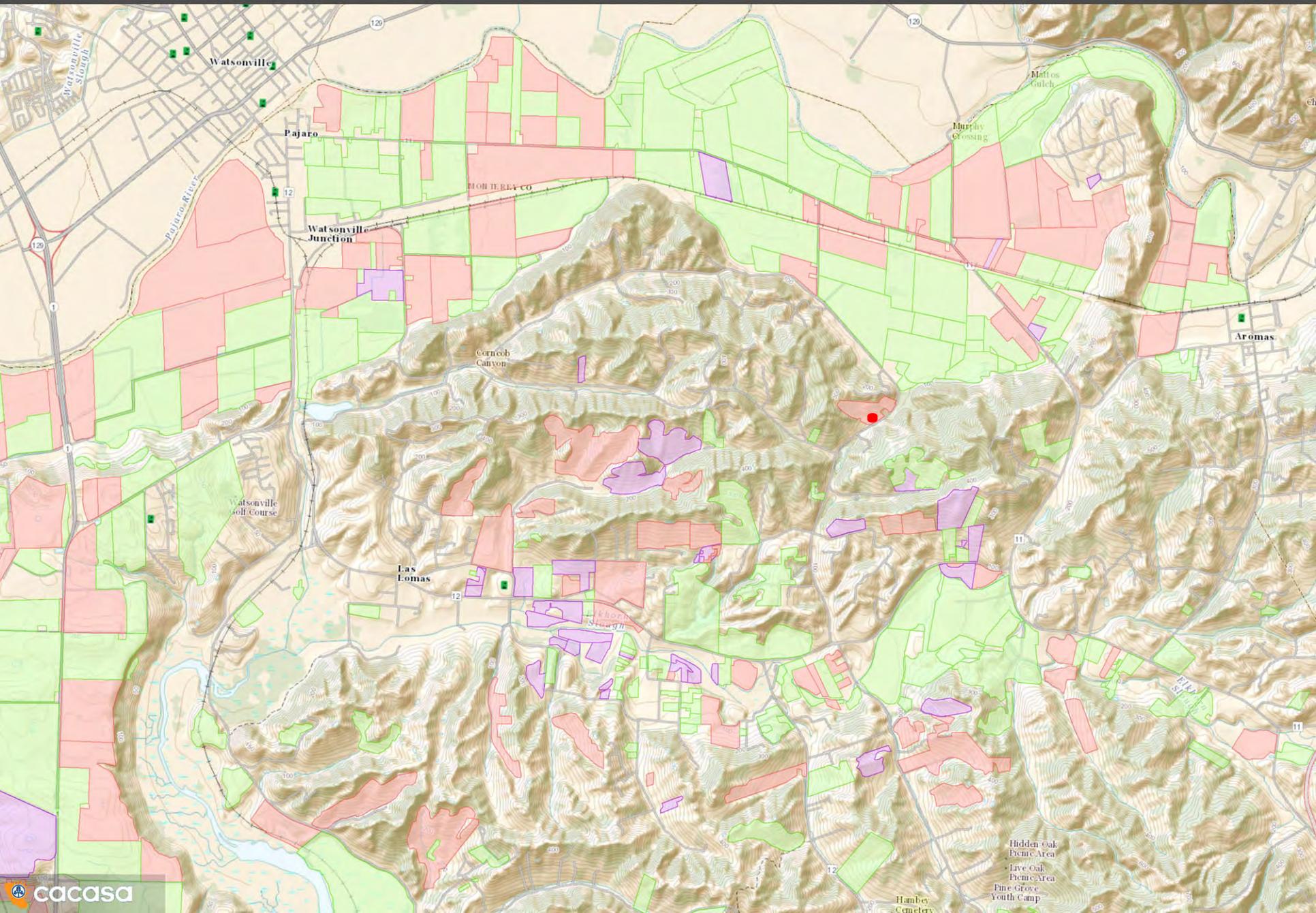
North Monterey County Ag Lands



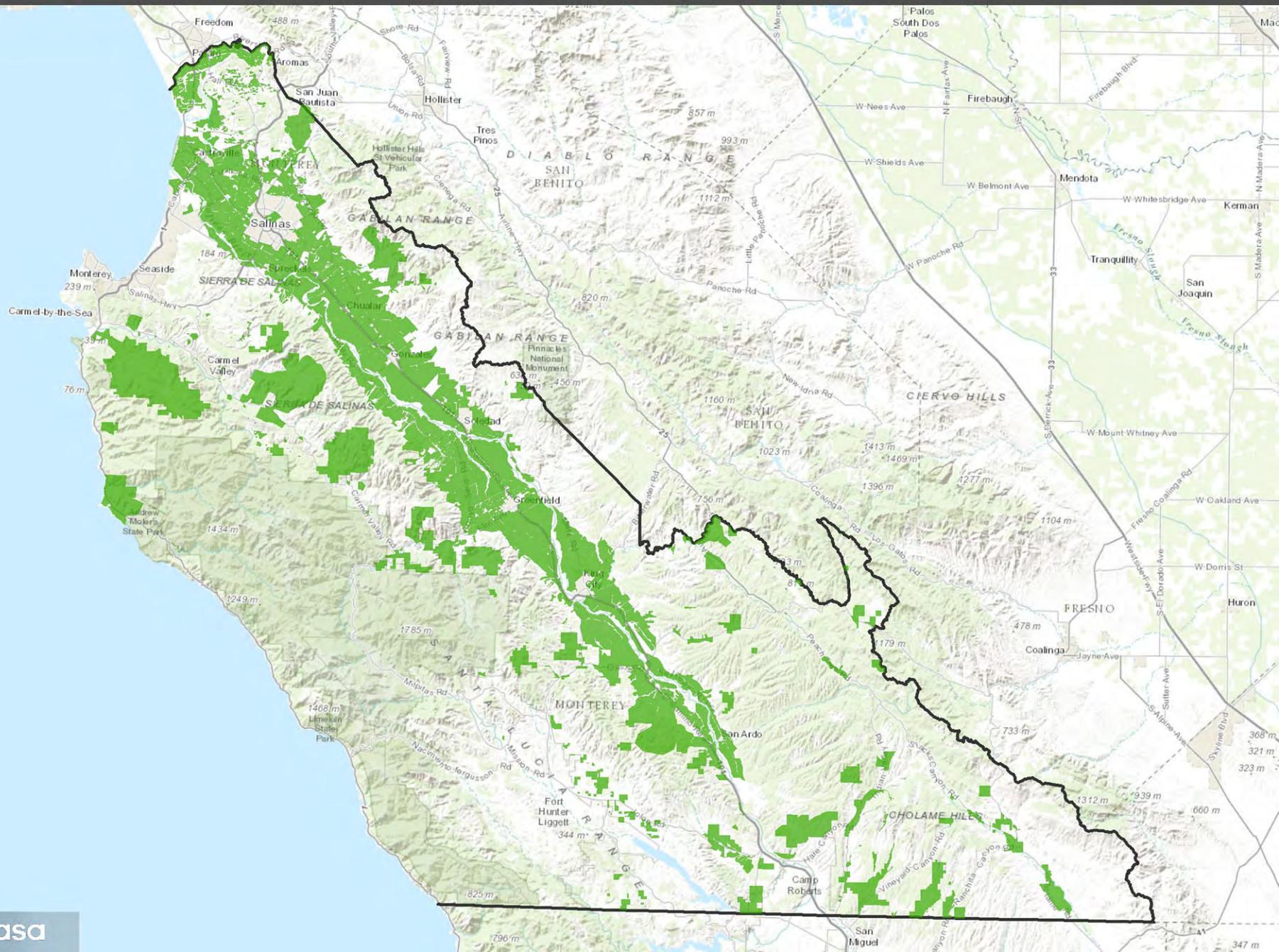
North Monterey County Ag Lands



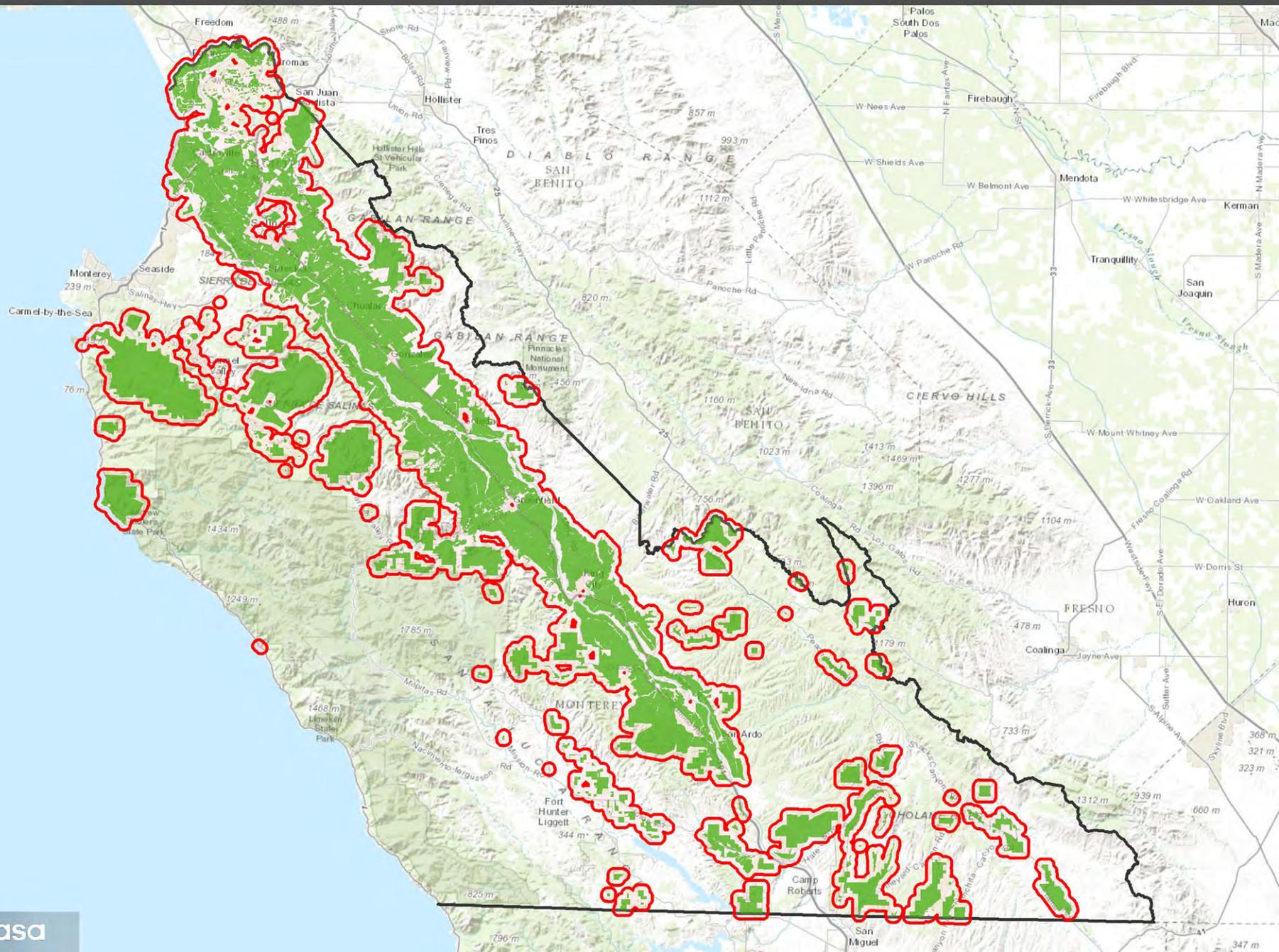
North Monterey County Ag Lands and Topography



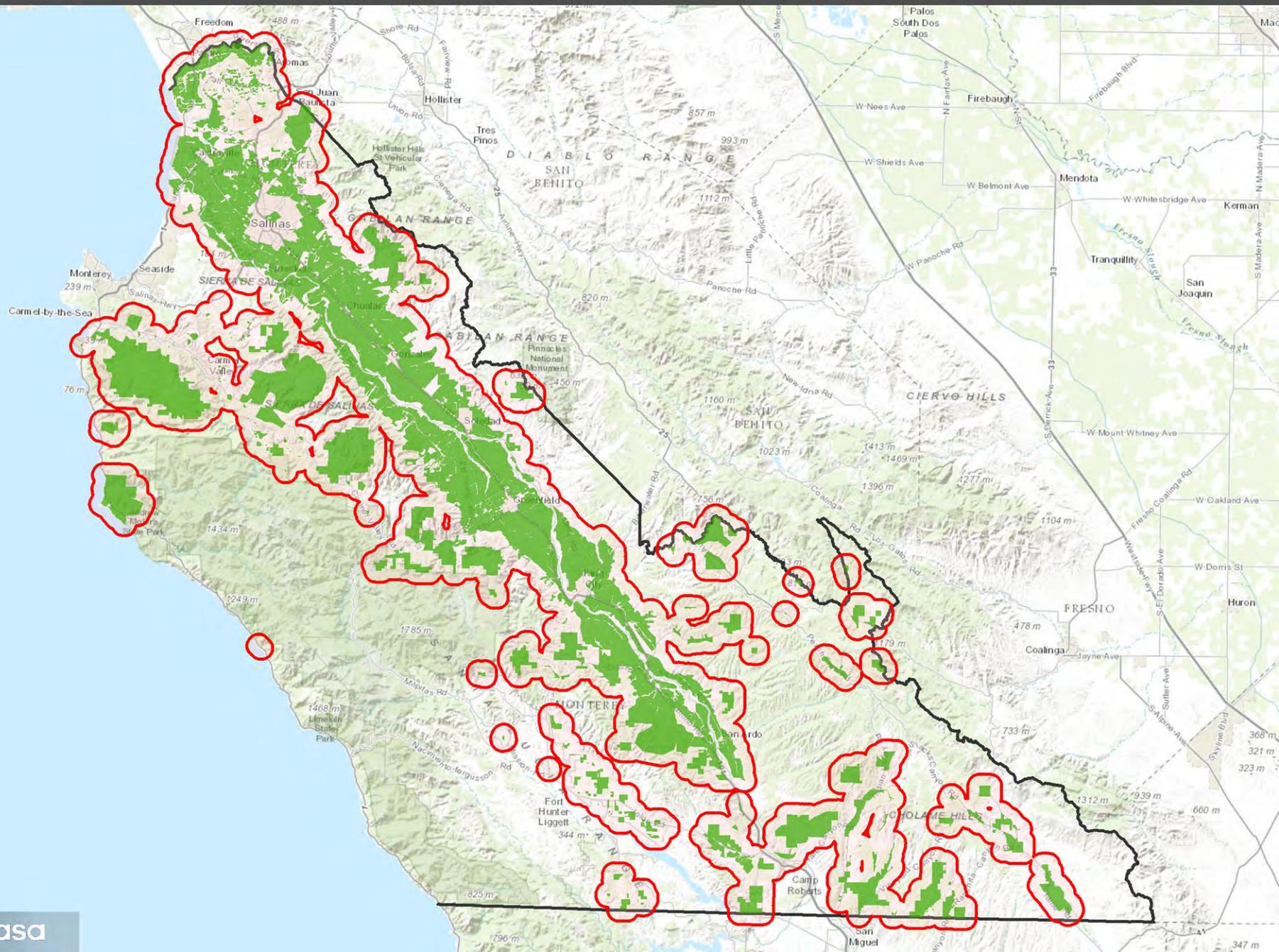
Ranch Map



Ranch Map with 2640 Foot Overlay



Ranch Map with 5280 Foot Overlay



ORDINANCE NO. 5248
**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING CHAPTER 16.40 OF THE MONTEREY COUNTY CODE RELATING TO
PROTECTION OF AGRICULTURAL ACTIVITIES**

County Counsel Summary

This Ordinance amends Chapter 16.40, commonly referred to as the "Right-to-Farm Ordinance," of the Monterey County Code in order to increase the protection of agricultural operations from nuisance claims, with the goal of promoting the long-term protection, conservation and enhancement of productive and potentially productive agricultural lands in Monterey County. This Ordinance establishes two types of noticing requirements to increase awareness of property owners, potential purchasers of property near agricultural operations, and the general public of the County's "Right to Farm Ordinance." This ordinance also updates the process for administrative resolution of disputes relating to agricultural operations by establishing a voluntary dispute resolution process to be administered by the Office of the Agricultural Commissioner. This ordinance applies to the unincorporated area of Monterey County.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. FINDINGS

Pursuant to Article XI, section 7 of the California Constitution, the Board of Supervisors shall adopt and enforce ordinances and regulations not in conflict with the public health, safety, and welfare of its citizens. Pursuant to the provisions of Policy AG-1.9 of the 2010 Monterey County Ordinance, which applies countywide, the Board of Supervisors shall properly conduct its business in a manner that requires that the



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Closing – Considerations

Define regulatory purpose

Clarify roles – DPR, County, Grower

DPR needs to lead – uniformity/consistency

Regulatory workload impacts

Enforceability, practicality

Enforcement expectations - costs

Complexity - Regional, commodity-specific differences

County borders

Transparency vs. desensitizing

WARNING:

**The Disneyland Resort contains
chemicals known to the state of
California to cause cancer and birth
defects or other reproductive harm.**

**Proposition 65,
California Health & Safety Code
Section 25249.6 et seq.**

PROPOSITION 65 WARNING

Chemicals known to the State of California to cause cancer and reproductive toxicity, including acrylamide, are present in coffee, baked goods, and other foods or beverages sold here. Acrylamide is not added to our products, but results from cooking, such as when coffee beans are roasted or baked goods are baked. As a result, acrylamide is present in our brewed coffee, including coffee made at home or elsewhere from our beans, ground or instant coffee, baked goods or other foods sold here, in grocery stores or other retail locations.

Your personal cancer risk is affected by a wide variety of factors. For more information regarding acrylamide, see www.fda.gov. For more information about acrylamide and Proposition 65, visit www.oehha.ca.gov/pro65/acrylamide.html.





California Agricultural Commissioners and Sealers Association

Thank You

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