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Ventura County Pesticide Use Enforcement Regulatory Program CY 2018 Performance Evaluation Report

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Performance Evaluation of the Ventura County Agricultural Commissioner Pesticide Use Enforcement Program

This report provides a performance evaluation of the Ventura County Agricultural Commissioner's (VEN CAC) pesticide use enforcement (PUE) program for the calendar year (CY) 2018. The Department of Pesticide Regulation (DPR) conducts these evaluations at least once every three years, as required (3 CCR §6394). The report evaluates the performance of goals identified in the CAC's enforcement work plan as well as the program's adherence to DPR standards in the Pesticide Use Enforcement Standards Compendium <http://www.cdpr.ca.gov/docs/enforce/compend.htm>

I. Summary Report of Core Program. This section identifies the evaluation findings.

A) **Restricted Materials Permitting:**

The restricted materials permitting program was found to **meet** DPR standards and work plan goals.

B) **Compliance Monitoring:**

The compliance monitoring program was found to **meet** DPR standards and work plan goals.

C) **Enforcement Response:**

The enforcement response program was found to **meet** DPR standards and work plan goals.

D) **Summary Statement:**

No deficiencies have been identified in the VEN CAC's pesticide use enforcement program and the overall program is currently effective.

II. Evaluation of Core Program Effectiveness and Work Plan Goals

The VEN CAC's one-year work plan estimated approximately 22,000 hours of staff time per year would be devoted to pesticide use enforcement core program activities. In CY 2017, VEN CAC's total pesticide enforcement program hours were 19,795. In CY 2018, VEN CAC's total pesticide enforcement program hours were 24,227. In CY 2018 VEN CAC had 3 additional inspectors which increased the number of hours in comparison to CY 2017.

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A) Restricted Materials Permitting:

- 1) Permit Issuance: The VEN CAC permit issuance procedures and performance were evaluated through observation and interviews of relevant staff and found to conform to DPR standards and expectations, including the determination of whether feasible alternatives existed or were required. All eight Agricultural Standard Investigators (ASIs) that issue permits possess “Pesticide Regulations” and “Investigation and Environmental Monitoring” licenses.

The DPR evaluation determined that permits are:

- Issued by qualified staff;
- Issued only to qualified applicants;
- Signed by authorized persons;
- Issued for time periods allowed by law;
- Issued according to approved procedures for permit amendment.
- Agricultural permits and NOI’s contain all necessary information; and,
- Non-Agricultural permits and NOI’s contain all the necessary information.

Table 1. Permits and Operator ID’s, by calendar year

Calendar Year	Restricted Materials Agricultural Permits	Non-Agricultural Permits	Operator ID’s
2016	337	77	376
2017	314	78	369
2018	292	78	294

Note: The decrease in restricted materials agricultural permits in CY 2018 reflects fewer multi-year permits issued and permits not being renewed due to business operation closures.

- 2) Site Evaluation: The VEN CAC gives the highest priority to pre-site evaluation inspections and other associated site-monitoring activities to applications involving fumigants, other Category I pesticides, and restricted materials applications near sensitive sites. The VEN CAC site evaluation procedures were evaluated through records review and interviews of relevant staff, and were found to conform to DPR standards and expectations.

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The permits and Notices of Intent (NOI):

- Contained the necessary information;
- Identified treatment areas and sensitive areas that could be adversely impacted by permitted uses; and,
- Identified mitigation measures and included conditions that addressed known hazards.

The VEN CAC staff evaluated permits and determined if the use of feasible alternatives was addressed. The program reviews all Notices of Intent (NOI) in a timely manner and **adequately** monitored agricultural and non-agricultural permits utilizing pre-application site evaluations and use monitoring inspections.

Table 2. NOI's and Pre-Application Inspections, by calendar year

Calendar Year	NOI's Received	Pre-Application Inspections	Percent Pre-Application Monitored
2016	2,111	184	8.7 %
2017	2,539	161	6.3 %
2018	2,628	227	8.6 %

Note: The increase in NOI's in CY 2017 and 2018 reflects paraquat and non-production use of pesticide applications. However, in CY 2018, paraquat applications have increased significantly in comparison to CY 2017. Additionally, in the CY 2018 the chlorpyrifos applications have decreased in comparison to CY 2017.

The VEN CAC conducted pre-application site inspections on 8.6 % of their 2,628 agricultural NOI's during CY 2018 and on 6.3% of their 2,539 agricultural NOI's during CY 2017. Title 3 California Code of Regulations, Section 6436 requires site monitoring of at least 5% of the NOI's, and VEN CAC met this requirement.

B) Compliance Monitoring:

1) Inspections:

The VEN CAC inspection procedures were evaluated through DPR oversight inspections and records review and found to conform to DPR standards and expectations. All eight biologist(s) that possess "Pesticide Regulation" and "Investigation and Environmental Monitoring" licenses perform inspections. Inspections are performed according to the inspection strategy documented in the VEN CAC's enforcement work plan.

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Inspection reports are complete and comprehensive and adequately provide the information necessary to successfully prosecute violations.

Inspections performed by the VEN CAC staff were found to:

- Adequately address label, law, and regulatory requirements;
- Include interviews of employers and employees as appropriate;
- Adequately document violations; and,
- Include appropriate follow-up inspections and procedures.

Table 3. Inspections, by calendar year

Calendar Year	Agricultural & Non-Agricultural	Structural
2016	318	69
2017	388	73
2018	567	113

NOTE: In CY 2018 VEN CAC had 3 additional inspectors that accounted for the increase in the number of inspections.

2) Investigations:

The VEN CAC investigated a total of 42 investigations (this includes DPR WH&S assigned investigations and other pesticide related complaints) during CY 2018. One investigation met the priority criteria as defined by U.S. EPA/DPR/CACASA Agreement. Most of the investigations were completed on time. However, three investigations were late and the average time for the completion of those cases were 6 months. The VEN CAC also received 17 illegal pesticide residue cases during CY 2018, and the average time for the completion of the cases was 6 months.

The VEN CAC investigation procedures and performance were evaluated through observation, records review, and interviews of relevant staff, and were found to conform to DPR standards and expectations. The CAC refers and/or notifies DPR and other agencies as required. Investigations are submitted on approved forms and in the approved format. The investigations document violations and the CAC collected evidence according to DPR standards. The investigations adequately provide the information necessary to successfully prosecute violations.

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Table 4. Investigations, by calendar year

Calendar Year	Incidents/ Investigations Initiated	Investigations Completed
2016	82	82
2017	78	78
2018	59	59

NOTE: In CY 2018 VEN CAC received fewer cases of WH&S assigned investigations and other complaints than CY 2017 and 2016.

C) Enforcement Response:

1) Compliance Actions.

The VEN CAC enforcement responses were evaluated through observation, records review, and interviews of relevant staff, and were found to conform to DPR standards and expectations.

Table 5. Enforcement Responses, by calendar year

Calendar Year	Agricultural Civil Penalties	Structural Civil Penalties	Compliance Actions	Decision Reports
2016	19	5	50	6
2017	4	3	47	17
2018	9	13	47	4

2) Enforcement Actions.

The VEN CAC enforcement responses were evaluated through observation, records review, and interviews of relevant staff, and were found to conform to DPR standards and expectations.

The CAC's enforcement response was found to have:

- Initiated the appropriate action when violations were identified;
- Sufficiently supported compliance, enforcement and public protection actions;
- Complied with Enforcement Response Regulations;
- Documented violation classifications appropriately; and
- Issued Decision Reports adequately.

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III. Recommended Corrective Actions on Core Program Areas

An improvement is needed to complete investigations and illegal residue cases in a timely manner. In CY 2018, the VEN CAC did not have a Deputy and only one supervisor. In CY 2019, the VEN CAC filled the deputy position and hired a second PUE supervisor.

IV. Non-Core and Desirable Activities

According to PRAMR totals for the calendar year 2018, the VEN CAC staff conducted a total of 11 training and outreach sessions to a total of 1,656 industry stakeholders. The VEN CAC increased and focused on the training and outreach to qualified applicator licensees and private applicators (growers), public/community and the field workers on the pesticide regulatory requirements and compliance.

- VEN CAC conducted 2 pesticide container recycling events in 2018 diverting over 24,000 pounds of plastic from landfills to recycled products.
- VEN CAC began utilizing the CalPEATS inspection program to facilitate statewide uniformity.

V. Priorities and Other Pesticide Regulatory Activities

In 2018, VEN CAC provided several one-on-one training sessions with growers and permittees on the new school notification regulations. This includes in-office assistance provided for filing out the notification both on CalAgPermits and on paper forms for submittal to the CAC and effected school sites/day care facilities.

Also, the VEN CAC transitioned to the statewide inspection platform, CalPEATS to conduct all inspections, investigations and enforcement actions. At this point 100% of inspections are conducted using the CalPEATS mobile application. The web-based dashboard for CalPEATS contains a variety of reports and search functions that allow for county and statewide analysis of inspection and compliance statistics.

In 2018, DPR adopted new regulations limiting pesticide use near schools. The regulations include pesticide application prohibitions and restrictions within 1/4 mile of a school, Monday-Friday, 6 a.m.- 6 p.m., annual notification requirements, and 48 hours notification for some products prior to pesticide applications. An overview of the new regulations as well as a demonstration of how to complete the notification process through CalAgPermits were provided. One on one assistance was further provided to those growers who were directly affected. To date there have been 98%

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compliance regarding notification requirements. The following is a breakdown of the impact on Ventura County:

- 294 production agriculture sites are within a quarter mile of a school site.
- An average of 139 growers were required to notify schools prior to pesticide applications in 2018.