



Agenda Date: 3/20/2007
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NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Dave Whitmer - Agricultural Commissioner
Agricultural Commissioner
REPORT BY: Dave Whitmer, Agricultural Commissioner / Sealer, 253-4357
SUBJECT: Pesticide Use Enforcement Program Presentation

RECOMMENDATION

Agricultural Commissioner to introduce Mary-Ann Warmerdam, Director of the California Department of Pesticide Regulation and discuss Napa County's Pesticide Regulatory Program.

EXECUTIVE SUMMARY

The Agricultural Commissioner/Sealer acts as an agent of the Director of the Department of Pesticide Regulation (DPR), a department within CalEPA, to implement enforcement and local delivery of the statewide pesticide regulatory program within the County. The purpose of the program is to protect human health and the environment by enforcing the requirements of pesticide laws and regulations as well as pesticide label provisions.

Each year the Napa County Agricultural Commissioner's Office (CAC), through negotiations with DPR, prepares an annual Enforcement Workplan that outlines the regulatory activities the County will focus on for the fiscal year. The three core elements of the plan are: 1) Restricted Material Permitting; 2) Compliance Monitoring; and 3) Enforcement Response. At the end of the fiscal year, DPR evaluates Napa County's pesticide use enforcement program in a written document called *Effectiveness Evaluation Report for Napa County*. A copy of the FY05/06 Evaluation Report is attached along with the FY06/07 Enforcement Workplan.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

There is no Environmental Impact for this item.

BACKGROUND AND DISCUSSION

The CAC conducts a variety of regulatory activities and outreach functions to fulfill the three core elements outlined in the Enforcement Work Plan.

Restricted Material Permitting

The CAC carefully evaluates restricted material permit applications with growers and pest control businesses and only issues permits when there is a determination that such materials can be used safely without undue risk to people or the environment. Notice of the intent to apply restricted materials are reviewed and approved or denied based on an evaluation of conditions at the application site. Preapplication site evaluations are conducted as well as application inspections to determine compliance with the conditions of a permit and the pesticide label.

Compliance Monitoring

The CAC conducts a variety of scheduled and random pesticide-related inspections of commercial growers, pest control businesses, government agencies and golf courses. The types of inspections are: records inspections, pre-application inspections, pesticide mix/load and application inspections, and fieldworker safety inspections. When non-compliances are discovered, appropriate compliance and enforcement actions are initiated as mandated by enforcement response regulations. The CAC also conducts a variety of investigation types that involve pesticide-related illnesses, environmental or property damage, and pesticide drift.

Enforcement Response

When non-compliances are discovered, the CAC initiates compliance or enforcement actions based on the severity of the situation and the compliance history of the grower or business. The CAC follows the enforcement response regulations to determine which type of action is required or appropriate. Compliance actions include the issuance of violation notices or warning letters or the conducting of documented compliance interviews. Enforcement actions include the proposal of fines, referral of cases to the County District Attorney or DPR, or the revocation of licenses by DPR. Due process and appeal rights are afforded to all when enforcement actions are initiated.

Outreach Activities

The CAC keeps the regulated community informed annually through the distribution of *The Ag Rag* newsletter. Continuing education classes are conducted annually in both English and Spanish. Bilingual staff also participate in several Clinic Ole health fairs each that are presented at various vineyard company offices. These fairs give staff the opportunity to highlight the purpose of our pesticide regulatory and other programs as well as let vineyard workers know there are Spanish speaking agricultural biologists available for consultation and information.

SUPPORTING DOCUMENTS

- A . DPR Evaluation of Napa County 05/06
- B . Proposed 06/07 Napa County Workplan

CEO Recommendation: Approve

Reviewed By: Andrew Carey