

WINDOW ON AGRICULTURE

Office of the Sonoma County Agricultural Commissioner

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NEW STATEWIDE PESTICIDE ENFORCEMENT RESPONSE POLICY

In response to several high profile pesticide cases in California, the California Department of Pesticide Regulation has adopted new requirements for county agricultural commissioner's response to pesticide related violations. The new policy specifically prescribes when violators receive a written notice of non-compliance and/or a fine. Under this policy fines will be proposed where they previously were not.

Our enforcement program goal remains to obtain compliance first through education, however, compliance with pesticide laws and regulations is ultimately your responsibility. Our office can serve as a valuable resource to help you understand what is required of you. We recommend you call us if you need clarification on any of the requirements or have questions regarding the change in the pesticide enforcement program. Our goal is to assist you to the best of our ability with compliance as the end result.

PURPOSE OF ENFORCEMENT PROGRAM:

- ❖ Focus on firm and fair action for pesticide violators
- ❖ Prompt response to incidents when laws and regulations have been violated
- ❖ Removal of any economic advantage or savings realized by noncompliance
- ❖ Consistent and appropriate application of enforcement responses
- ❖ Escalation in level of enforcement for repeat violators

VIOLATIONS TYPES

1. UNCLASSIFIED VIOLATIONS:

Class "C" violations do not require a prompt response in order to protect public health, safety or the environment, and are of lesser priority for enforcement. These violations are further defined as:

CLASS "C" VIOLATIONS:

- ❖ Violations that do not threaten health, property, or the environment
- ❖ First Incident: Written notice of non-compliance issued typically
- ❖ Fine range: \$50-\$400 (per violation)
- ❖ Subsequent Incident: Written notice of non-compliance with Decision Report (justification to DPR why we aren't fining); **or** fine, referral to the District Attorney or state licensing action

EXAMPLES OF CLASS "C" VIOLATIONS:

Action may vary for each situation

- ❖ Failure to submit Pesticide Use Reports on time
- ❖ Pesticide applications made without a valid Operator Identification Number
- ❖ Finding incomplete records at headquarter inspections
- ❖ Pesticide storage area not properly posted

2. HAZARD OR EFFECT VIOLATIONS:

These types of violations include Class "B" or Class "A" violations, which require a prompt response to protect public health, safety, the environment, or for other important policy reasons. These violations are the highest enforcement priority.

CLASS "B" VIOLATIONS:

- ❖ Violations that posed a reasonable possibility of creating a health or environmental effect; **or** violations that are a repeat of class "C" violations (fined within the past two years)
- ❖ Fine range: \$250–\$1,000 (per violation)
- ❖ First Incident: Written notice of non-compliance with a Decision Report; **or** fine, referral to the District Attorney or state licensing action
- ❖ Subsequent Incident: Fine, referral to the District Attorney, or state licensing action

EXAMPLES OF CLASS "B" VIOLATIONS:

Action may vary for each situation

- ❖ Employees not wearing the personal protective equipment (PPE) required by state laws and regulations, and/or not provided with complete decontamination facilities
- ❖ Pesticide drift resulting in an exposure to persons, crops, property, or the environment
- ❖ Applying a restricted use pesticide without a valid permit
- ❖ Employees (applicators & fieldworkers) not properly trained
- ❖ Pesticide storage area that holds pesticides not properly locked
- ❖ Violations that are repeat Class "C" violations

CLASS "A" VIOLATIONS:

- ❖ Violations that created an actual health or environmental hazard; **or** violations of a lawful order of the commissioner; **or** violations that are a repeat of Class "B" (fined within the past two years)
- ❖ First Incident: Fine, referral to the District Attorney, or state licensing action
- ❖ Fine Range: \$700–\$5,000 (per violation)

EXAMPLES OF CLASS "A" VIOLATIONS:

Action may vary for each situation

- ❖ Employee injuries due to lack of PPE (i.e. rubber gloves, eye protection, etc.) and/or decontamination facilities (i.e. soap, water, single-use towels, etc.)
- ❖ Pesticide drift resulting in an effect or exposure to persons, crops, property, or the environment
- ❖ Violations that are repeat Class "A" and "B" violations (fined within the past two years)

To comment on the proposed "Enforcement Response" regulations go to:

www.cdpr.ca.gov/docs/legbills/rulepkgs.htm

VINE MEALYBUG PESTICIDE SAFETY TRAINING



Sponsored by: Sonoma County
Agricultural Commissioner's Office

Where: 133 Aviation Blvd., Santa Rosa

When: February 27, 2006

Times: 10 AM – Noon (*Spanish Presentation*)
1 PM – 3 PM (*English Presentation*)

Two hours of Continuing Education Credits
(Laws & Regulations applied for.)

AGENDA

- ❖ Medical Supervision Monitoring for Organophosphates/Carbamates
- ❖ Closed Mixing System Issues
- ❖ Label Reviews for Pesticides Used in VMB Eradication Program
 - > Personal Protective Equipment Requirements
 - > First Aid and Decontamination
 - > Hazards to Humans/Animals/Environment
 - > Restricted Entry Intervals
- ❖ Grower experiences with pesticide applications for VMB

To sign up for either training session, call Sonoma County Grape Growers Association at (707) 829-3963 or email info@scgga.org