

**Pesticide Regulatory Activities Committee
May 16, 2007**

Enforcement Branch Updates

Hearing Officer/Advocate Training – Regina Sarracino

DPR has contracted with the McGeorge Institute for Administrative Justice to conduct Hearing Officer training at four locations throughout the state. Each two-day session will be limited to 25 CAC attendees and will run from 9:00am to 4:00pm. Topics include the role of the hearing officer, conducting the hearing, and writing the decision.

Sacramento Area (Full)

May 23-24, 2007

McGeorge Institute Training Room
3200 Fifth Avenue
Sacramento, CA 95817

Northern California

June 13-14, 2007

Nor-Cal EMS
43 Hilltop Drive
Redding CA 96003

Southern California

June 5-6, 2007

Los Angeles County Commissioner Office
12300 Lower Azusa Road
Arcadia, CA 91006

Fresno Area

June 20-21, 2007

Tulare County Agricultural Commissioner Office
4437 South Laspina Street
Tulare, CA 93274

Contact Mostafa Chrichi at (916) 445-3884 or mchrichi@cdpr.ca.gov no later than two weeks before the training session. Attendees will receive a confirmation email.

Attendees should review the Hearing Officer Roundtable Project report (2004) available online at <http://www.cdpr.ca.gov/docs/county/training/hrngofcr/hearofficer.htm> prior to attending the training. A more comprehensive Hearings Sourcebook is due out later this summer. An agenda for the training will be posted on the DPR CAC training page in mid-May.

Enforcement Response Regulations Sub-Committee – Roy Rutz

Harry Krug, Eric Lauritzen, Scott Hudson, Steve Hajik, and Bill Gillette have been appointed to the sub-committee, which has not met. The Branch is not aware of any issues that have actually been forwarded for sub-committee response. Roy suggests that the sub-committee meet and consider if there are areas of the enforcement response policy that need to be clarified or updated to address the implementation of the regulations.

Decision Reports and Public Information Requests – Roy Rutz

DPR has begun receiving requests from industry representatives and public interest groups for copies of county decision reports under the Public Records Act. Requests are coming to both the regional offices and headquarters. The branch is continuing its policy whereby the three regional office supervisors review and agree on decision report denials.

Pesticide Use Enforcement Program Standards Compendium – Roy Rutz

The Inspection Procedures Manual Work Group has completed the initial draft of the Inspection Procedures Manual. Upon final approval, the manual will become Volume 4 of the Pesticide Use Enforcement Program Standards Compendium. The information contained in this draft may be discussed among CAC and DPR staff, however, all documents on the Inspection Procedures Manual web page are pre-decisional until DPR management has an opportunity to approve them. The draft documents are available online at: http://www.cdpr.ca.gov/docs/enfcmpli/compend/vol_4/inspect_procedures.htm

Submit your comments and any questions or suggestions regarding the Inspection Procedures Manual to either Jim Walsh, jwalsh@cdpr.ca.gov or Roy Rutz, rrutz@cdpr.ca.gov by July 6, 2007.

Container/Containment Regulations – Update

Vic Acosta is scoping US EPA's container/containment rule to determine the requirements and impacts on growers, dealers, and brokers in order to develop California regulations. In order to estimate economic impacts on those who will have to comply with the regulations, Vic will develop a survey for distribution to the CACs to ascertain the number of PCOs and pesticide dealers in each county that have stationary containers that hold quantities of agricultural pesticide equal to or greater than 500 gallons liquid or 4,000 pounds dry for any purpose. Proposed regulations will impact Refilling establishments whose principal business is retail sale (pesticide dealers) and commercial applicators (agricultural pest control businesses).

County Work Plans and Statistical Data – Update

As agreed upon last year by the Director and CACASA, DPR will be posting the 2006/07 county work plans to the external web site this spring. In addition, county evaluations will be posted once they are completed and approved by the Enforcement Branch. The branch is working with Veda Federighi and Glenn Brank to design and develop a web site for publishing the county work plans, evaluations, and statistical data profiles for each county. For questions or comments, please contact your regional office supervisor.

We have asked that counties submit their work plans in Word or Word Perfect since all State websites must be accessible to people with disabilities in accordance with the checkpoints in the State Web Site Development Policy. Portable Document Format (PDF) is a popular format for making documents available over the Internet. Improperly prepared PDF documents, particularly those originating from scanned images, are not accessible to many people with complete or low vision loss. PDF documents that originate as images, without Optical Character Recognition (OCR) cannot be converted to speech output that is readable by assistive technologies.

Ada Ann Scott has initiated discussions with regional Enforcement staff to determine the scope of county statistical data that the branch liaisons could use in preparation for their county evaluations. If you have suggested changes to the county statistical profiles that were developed last year, please forward your comments to Ada Ann at ascott@cdpr.ca.gov.

County Inspector/Biologists Exams Study Materials

The branch has received several comments regarding the applicability and availability of the current list of study materials for the county inspector/biologist exams dealing with pesticides. We have done a quick review of the study materials to determine if they satisfy the current examination and if additional materials are needed, need to be updated, or deleted. The list of study materials for exams being held in May/June was updated and can be found at <http://www.cdpr.ca.gov/docs/county/training/trngmenu.htm>. A much more comprehensive list can be downloaded from the site also.

Vector Control Pesticide Use Reporting Clarification

A question has been raised regarding the data entry and reporting of pesticide use for vector control. Apparently there is some confusion among the CACs, Vector Control Districts and DHS on this issue.

Under the most recent Memorandum of Understanding with the Department of Health Services (DHS), DPR and the CACs (outlined in Enforcement Letter 95-062, dated November 9, 1995), all pesticide use reports for vector control are to be sent to the CACs. This includes pesticide use records for applications made by vector control districts that have entered into cooperative agreements with DHS. This change became effective November 1995. The data are entered by the CACs as part of the pesticide use reporting program and electronically sent to DPR with each county's use report files.

When the Manual of Procedural Guidance for Pesticide Enforcement Personnel was distributed in 1999, the section on Vector Control was inadvertently not updated to reflect the changes relative to pesticide use reporting contained in the 1995 MOU.

The only pesticide use reporting data sent directly to DPR is from the California Department of Transportation (Cal/Trans). *The counties do not enter Cal/Trans data.*