



**Santa Cruz County**  
**Civil Grand Jury**

Santa Cruz Grand Jury <grandjury@scgrandjury.org>

---

**Board of Supervisors response to 2020-2021 Grand Jury Report :Santa Cruz County Agricultural Commissioner's Office Can Get By with a Little Help from Its Friends..."**

---

Caitlin Smith <Caitlin.Smith@santacruzcounty.us>

Wed, Sep 8, 2021 at 2:48 PM

Good Afternoon,

Please see attached for the Board of Supervisors response to the 2020-2021 Grand Jury report "Santa Cruz County Agricultural Commissioner's Office Can Get By with a Little Help from Its Friends-Planting Seeds of Change Requires Help from Growers, Community, and Board of Supervisors".

Best,

Caitlin C. Smith

County Supervisors' Analyst

Santa Cruz County Board of Supervisors

[701 Ocean Street, Room 500](#)

[Santa Cruz, CA 95060](#)

831-454-3516

[caitlin.smith@santacruzcounty.us](mailto:caitlin.smith@santacruzcounty.us)

To email all five members of the Board of Supervisors at once,

please use: [BoardOfSupervisors@santacruzcounty.us](mailto:BoardOfSupervisors@santacruzcounty.us)

---

**2 attachments**



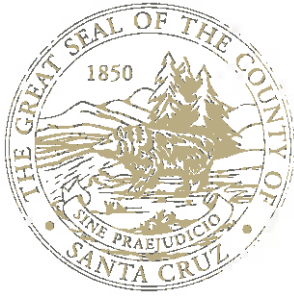
**Agricultural Commissioner's Office Grand Jury report cover letter.pdf**

39K



**Board Response Agricultural Commissioner's Office Grand Jury report.pdf**

244K



# County of Santa Cruz

## BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069  
(831) 454-2200 • FAX: (831) 454-3262 TDD/TTY - Call 711

**MANU KOENIG**  
FIRST DISTRICT

**ZACH FRIEND**  
SECOND DISTRICT

**RYAN COONERTY**  
THIRD DISTRICT

**GREG CAPUT**  
FOURTH DISTRICT

**BRUCE MCPHERSON**  
FIFTH DISTRICT

September 3, 2021

The Honorable Syda Cogliati  
Santa Cruz Courthouse  
701 Ocean Street  
Santa Cruz, CA 95060

RE: RESPONSE TO THE 2020-2021 GRAND JURY REPORT  
"SANTA CRUZ COUNTY AGRICULTURAL COMMISSIONER'S OFFICE  
CAN GET BY WITH A LITTLE HELP FROM ITS FRIENDS—PLANTING  
SEEDS OF CHANGE REQUIRES HELP FROM GROWERS,  
COMMUNITY, AND BOARD MEMBERS."

Dear Judge Cogliati:

The purpose of this letter is to formally transmit the response of the Santa Cruz County Board of Supervisors to the 2020-2021 Grand Jury Report, titled "Santa Cruz Agricultural Commissioner's Office Can Get By with a Little Help from Its Friends-Planting Seeds of Change Requires Help from Growers, Community, and Board of Supervisors."

Sincerely,

BRUCE MCPHERSON, Chairman  
Board of Supervisors

BM:ccs  
Attachment

cc: Clerk of the Board  
Santa Cruz County Grand Jury



**The 2020–2021 Santa Cruz County Civil Grand Jury  
Requires the**

**Santa Cruz County Board of Supervisors**

**to Respond to the Findings and Recommendations listed below  
which were assigned to them in the Report Titled**

**Santa Cruz County Agricultural Commissioner's Office  
Can Get By with a Little Help from Its Friends**

**Planting Seeds of Change Requires Help  
from Growers, Community, and Board of Supervisors  
by September 27, 2021**

Responses are **required** from elected officials, elected agency or department heads, and elected boards, councils, and committees which are investigated by the Grand Jury. You are required to respond by the California Penal Code [\(PC\) §933\(c\)](#).

Your response will be considered **compliant** under [PC §933.05](#) if it contains an appropriate comment on **all** findings and recommendations **which were assigned to you** in this report.

Please follow the instructions below when preparing your response.

## Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

1. **For the Findings, mark one of the following responses with an “X” and provide the required additional information:**
  - a. **AGREE with the Finding**, or
  - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
  - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.
2. **For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:**
  - a. **HAS BEEN IMPLEMENTED** – provide a summary of the action taken, or
  - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – provide a timeframe or expected date for completion, or
  - c. **REQUIRES FURTHER ANALYSIS** – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
  - d. **WILL NOT BE IMPLEMENTED** – provide an explanation of why it is not warranted or not reasonable.
3. **Please confirm the date on which you approved the assigned responses:**

We approved these responses in a regular public meeting as shown  
in our minutes dated August 24, 2021.

4. **When your responses are complete, please email your completed Response Packet as a PDF file attachment to both**

The Honorable Judge Syda Cogliati [Syda.Cogliati@santacruzcourt.org](mailto:Syda.Cogliati@santacruzcourt.org) and  
The Santa Cruz County Grand Jury [grandjury@scgrandjury.org](mailto:grandjury@scgrandjury.org).

**If you have questions about this response form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to [grandjury@scgrandjury.org](mailto:grandjury@scgrandjury.org).**

## Findings

- F1.** Location information on the Notices of Intent provided by the growers and qualified applicators does not adequately describe the location of the pesticide application in a way that someone not intimately familiar with the farm could understand. This means that timely online posting of the current Notices of Intent, even if possible, would not be helpful to the public. The Department of Pesticide Regulation requires a map useful to the public on the Annual Notification of Pesticides Used Near Schools and Child Day Care Centers form.

**AGREE**  
 **PARTIALLY DISAGREE**  
 **DISAGREE**

**Response explanation** (required for a response other than **Agree**):

As a point of clarification, the map growers are required to submit as part of their annual schoolsites notification is provided directly to the school principal or school administrator and not directly to the public. The map also identifies only commercial agricultural parcels within ¼ mile of the schoolsite specifically for the grower required to provide the annual notification.

- F2.** The Department of Pesticide Regulation's policies on application of pesticides near schools and its May 7, 2020 letter to California Agricultural Commissioners show its awareness of the changing need to inform and protect the public living near agricultural pesticide application sites.

**AGREE**  
 **PARTIALLY DISAGREE**  
 **DISAGREE**

**Response explanation** (required for a response other than **Agree**):

The Pesticide Use Near Schoolsites regulations and DPR's Enforcement Letter 20-03 address the fundamental regulatory requirement for pesticide applicators on commercial farms near schools to perform pest control in a safe, careful, and effective manner. The schoolsite regulations build upon existing regulatory requirements by prohibiting certain pesticide application methods and the use of certain pesticides that may pose a risk of drift to be applied on commercial farms within a ¼ mile of a

schoolsite when school is in session. These regulations also require commercial farm operators to provide an annual notification to schoolsites within a ¼ mile of the farm disclosing the names of any pesticides anticipated to be used on the farm for the ongoing year. While the notification provides transparency about pesticide products that may be used on the farm it does not provide specific information about the dates and times those pesticide applications will take place. More importantly, the schoolsite regulations and DPR's letter address requirements already in place that must be followed by pesticide applicators, including evaluating surrounding properties around the application site and following all pesticide label direction and safety precautions to prevent exposure to children, workers and bystanders. The letter in particular reminds County Agricultural Commissioners of their responsibilities to hold pesticide applicators accountable for performing safe, careful and effective pest control around sensitive areas. This has been a priority for my office for many years prior to DPR's implementation of the schoolsite regulations and the COVID-19 pandemic. The letter also encourages County Agricultural Commissioners to have growers provide pesticide notices to nearby residents, something my office has been proactive in doing for several years by not only encouraging growers but also by working with county residents interested in receiving this information.



**F3.** Department of Pesticide Regulation policy changes must be influenced by the Board of Supervisors. The Agricultural Commissioner cannot exert such influence. The Board of Supervisors are in the best position to lobby the Department of Pesticide Regulation.

**AGREE**

**PARTIALLY DISAGREE**

**DISAGREE**

**Response explanation** (required for a response other than **Agree**):

Local governments have the ability to make recommendations to state agencies regarding legislative and regulatory changes and proposals on behalf of the constituents they represent. The Agricultural Commissioner can provide recommendations and feedback on local issues but does not solely have the ability to exert a level of influence to generate a change that would have impacts both locally and statewide. Various stakeholders, including Agricultural Commissioners in other counties, impacted industries and non-profits, and the public also play key roles in influencing policy and regulatory change at the state level.

**F5.** There is a demonstrated capability for advance public notice of pesticide use.

**AGREE**

**PARTIALLY DISAGREE**

**DISAGREE**

**Response explanation** (required for a response other than **Agree**):

California has the most robust pesticide regulatory program in our nation. Our State's legislature recognizes that agriculture is a major component of our economy, that appropriate pesticide use is necessary for agricultural production, that timeliness of pesticide use is fundamental in pest management and that responsible pesticide use is essential in protecting people and the environment. Our State's regulatory program has been created to incorporate all these elements. It is the only State where each county has an appointed Agricultural Commissioner required to enforce state laws and regulations at the local level and who is also responsible for knowing local conditions and using such knowledge when determining the issuance of a



California Restricted Material Permit. Notices of Intent (NOIs) are submitted to the Agricultural Commissioner's Office for proposed applications of California Restricted-Use Pesticides prior to the use of these materials. The NOI is part of the Restricted Material Permit process and is evaluated by the Agricultural Commissioner to ensure compliance with permit conditions and regulatory requirements. This review and evaluation process is not set up or intended to have NOIs serve as a method of advance public notice, but rather to allow the Agricultural Commissioner to determine whether the proposed pesticide application is safe and effective and in compliance with regulatory requirements as previously noted. As stated in F1, an NOI, "does not adequately describe the location of the pesticide application in a way that someone intimately familiar with the farm could understand" and may also not contain the level of information that the public would find useful in making an informed decision about what the information contained on the NOI signifies. Simply adding more site-specific pesticide application information requirements on an NOI does not resolve other issues that must be addressed if the intent is to have an effective and comprehensive pesticide notification program.

The capability to provide advance public notice for the use of California restricted use pesticides warrants a broader conversation about the feasibility and impacts of implementing such a program with stakeholders including the public, the agricultural industry, and state and local agencies. Consideration must be given to the costs and resources needed for a such a program; the impacts the program may have in allowing growers the ability to conduct timely and effective pest control; State regulatory oversight and support to attain consistency, equity and uniformity if such a program were to be implemented statewide; and the need for public feedback to ascertain the information that would be valuable to people when receiving notification. Other communities in California have expressed an interest in a pesticide notification program and the California Department of Pesticide Regulation (DPR) is in the early stages of analyzing the feasibility of implementing a statewide program by listening to stakeholders and planning listening sessions with communities to receive feedback. Given the interest for notification in other regions of the State and the efforts DPR is undertaking on this issue, it is appropriate that the feasibility of a notification program be evaluated statewide rather than at the local level so that if such a program is implemented in the future there is equity and consistency.

## Recommendations

**R2.** Within six months, the Board of Supervisors should assess and initiate online posting, text, or email notification of pesticide applications for nearby neighborhoods. (F3, F4)

**HAS BEEN IMPLEMENTED** – summarize what has been done

**HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe

**REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)

**WILL NOT BE IMPLEMENTED** – explain why

### Required response explanation, summary, and timeframe:

Our County has been engaged with community members residing next to farms that may have questions or want information about the use of pesticides. These engagement efforts are led by the Agricultural Commissioner who works with our growers and community members to encourage more communication.

The California Department of Pesticide (DPR) is in the early stages of assessing feasibility for a statewide notification program and DPR is the appropriate agency to lead these efforts to ensure a program that is equitable and consistent across the State.



**R3.** Within six months, the Board of Supervisors should lobby the state and the Department of Pesticide Regulation to require that specific location information useful to the public be included on forms such as the Restricted Material Permits and the Notice of Intent forms. (F1–F4)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

**Required response explanation, summary, and timeframe:**

These efforts are already underway by the California Department of Pesticide Regulation (DPR). DPR is in the early stages of engaging stakeholders on the development of a statewide pesticide notification program. DPR plans to have listening session with communities throughout the State later this year to receive feedback and comments regarding information that would be important as part of any notification process including more site-specific information. Input from communities and stakeholders will drive the specific information that will be included on notifications and whether Restricted Material Permits and Notices of Intent are the best outlets to provide this information. It is possible that notification information may be provided in a different format in an effort to make the information comprehensive.



**R4.** Within six months, the Board of Supervisors should collaborate with other counties to lobby the Department of Pesticide Regulation for funds to implement a statewide program of notification, similar to the now defunded FarmingSafelyNearSchools program. (F5)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

**Required response explanation, summary, and timeframe:**

Funding to develop a statewide notification program is already in place. For FY21-22, the California Department of Pesticide Regulation’s budget includes \$10 million dollars in general fund support for the development of a statewide pesticide notification system, which will promote fair and equitable access to important information about pesticide use in local communities.