

# Agricultural Commissioner

Stephen Scheer – Agricultural Commissioner/Director of Weights and Measures

101-3400	FY 18/19 Adopted Budget	FY 19/20 CAO Recommended	Change
<b>EXPENDITURES</b>			
Salaries and Benefits	\$957,143	\$1,027,507	\$70,364
Services and Supplies	\$194,329	\$291,349	\$97,020
Other Charges	(\$281)	\$0	\$281
Fixed Assets	\$0		\$0
<b>TOTAL EXPENDITURES</b>	<b>\$1,151,191</b>	<b>\$1,318,856</b>	<b>\$167,665</b>
<b>REVENUE</b>			
Fed/State	\$507,540	\$517,000	\$9,460
Grant	\$0		\$0
Realignment	\$0		\$0
Fees/Misc	\$143,930	\$233,930	\$90,000
<b>TOTAL REVENUE</b>	<b>\$651,470</b>	<b>\$750,930</b>	<b>\$99,460</b>
<b>FUND BALANCE</b>	<b>\$0</b>		<b>\$0</b>
<b>NET COUNTY COST</b>	<b>\$499,721</b>	<b>\$567,926</b>	<b>\$68,205</b>

## Program Description

### Environmental Protection

- Pesticide Enforcement: To protect the public, pesticide applicators, field workers, the environment, and agricultural crops from the potential harmful effects of pesticides. This is accomplished through outreach, education, and the regulation of pesticide activities of licensed pest control operators, advisors, pilots, pesticide dealers, certified applicators and private applicators, their employees, and other users throughout the county to ensure proper pesticide use. Estimated at 58 % of budget.
- Pest Management and Prevention: To protect California’s environment from the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds. Protection of native and ornamental plantings, the agricultural industry, including its access to export markets, is accomplished through exclusion, detection, and the eradication of significant pests. Examples include: inspection of incoming shipments at UPS Distribution Centers and terminal post offices, certification of agricultural products for export, insect trapping programs for quarantine compliance, control of noxious weed pests, detection field surveys, Integrated Pest Management and Biological Control programs. Estimated at 15% of budget.
- Agricultural Information: To provide accurate agricultural production statistics and pertinent information to the public, private businesses, and governmental agencies. In addition, assistance is provided to citizens through pest identification, pest management strategies and control methods, such as biological control techniques. Agriculturally-related land use and planning issues are evaluated and feedback is provided to the appropriate county departments. Additional

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informational activities include the compilation of Annual Crop Report as well as crop loss and damage assessments. Estimated at 2% of budget.

## **Consumer Protection (Weights & Measures)**

- **Weighing and Measuring Device Enforcement:** To ensure fair competition for industry members and accuracy for consumers through the minimization of measurement error in commercial transactions. This is accomplished by the inspection and testing of all commercial weighing and measuring devices. The devices which do not meet established tolerances and specifications are removed from service until repaired. Program elements include inspection and testing of all: commercial gasoline, diesel fuel, jet fuel, hydrocarbon vapor, compressed natural gas, liquefied petroleum, water and electric meters (not under PUC), and the commercial general use scales from precious metals to truck scales. Additional activities include the regulation of device repairmen activities, weighmaster, and petroleum enforcement. Estimated at 20% of budget.
- **Package Quality Control:** Provide that sales of goods, services, and commodities sold directly over weighing or measuring devices, or in packaged form, are accurately measured as well as comply with labeling and methods of sale requirements. Activities include: retail market inspections, test purchases, undercover purchases, general quantity control, the investigation of firewood complaints, and testing of price scanners. Estimated at 1% of budget.

## **Consumer Protection (Agriculture)**

- **Nursery Protection:** To provide consumers nursery stock which is in healthy condition, clean and free from pests of concern, as well as properly labeled. Through the inspection of locally produced nursery stock and incoming nursery stock, nursery standards are met and any violations are enforced. Inspections also prevent the dissemination of pests which have the potential to harmfully impact agriculture. Program Elements: wholesale inspection of producing nurseries, periodic inspection of retail nurseries. Estimated at 1% of budget.
- **Fruit, Vegetable and Egg Quality Control:** To ensure the consumer is offered fresh, healthy, properly labeled and packaged agricultural commodities through the enforcement of California standards pertaining to fruits, nuts, vegetables, honey, and eggs sold at wholesale and retail outlets throughout Yuba County. Program Elements are: Wholesale and retail produce inspections, retail egg inspections, production agriculture fresh market field-packed inspections, growing-grounds verification for issuing Certified Producer Certificates, inspection of roadside stands, monitoring Certified Farmer Markets, and organic production inspections. Estimated at 2% of budget.
- **Seed Inspection:** To provide quality seed for consumers within the agricultural industry as well as home use. Seed is required to be properly tested for germination, purity, and noxious weed seeds. Any seed sold is required to be labeled in a manner which meets California seed standards. Program Elements: Wholesale and retail seed inspection, maintenance of seed purity and germination standards. Estimated at 1% of budget.

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## **Miscellaneous Programs**

- Serve on Agricultural Advisory Boards for Yuba College and Lindhurst High School
- Serve on Yuba Sutter Spray Safe Planning Committee
- Serve on the Yuba Sutter Farm Bureau Ag. Education Committee
- Serve as an advisor to the Yuba-Sutter Weed Management Area committee
- Secretary for California Agricultural Commissioner and Sealers Association (CACASA) Information Management Committee
- Specifications and Tolerances Committee representative for CACASA
- Chair of CACASA Technical Advisory Committee for I.T. projects
- Member of the CACASA Washington D.C. Delegation
- President of the Sacramento Valley CACASA area group
- Serve in Planning/Intelligence Section. Training to serve as backup PIO for County Emergency Response Plan
- Serve as an advisor to the Yuba-Sutter-Butte Sub-Water Quality Coalition and Sacramento Valley Water Quality Coalition
- Serve as member of Yuba-Sutter Environmental Crimes Task Force

## **Accomplishments**

### **FY 2018-2019**

- The Agricultural Commissioner serves as the secretary of the Information Management Committee and the chair of the Technical Advisory Committee for the state wide organization of California Agricultural Commissioners and Sealers Association (CACASA). He serves as the President of the Sacramento Valley CACASA area group, is a member of various CACASA committees and is involved with special projects for the Association as appropriate.
- The Department continues to enforce the Nut Crop Theft Ordinance, which sets requirements for the purchase and sale of walnuts, adopted to protect the Yuba County walnut industry.
- The Agricultural Commissioner, in conjunction with the California Rice Commission (CRC), California Department of Pesticide Regulation (CDPR), and the Sacramento Valley Agricultural Commissioners of rice growing counties, worked successfully to modify Thiobencarb use requirement in rice to help ensure its availability for future use.
- Department staff completed 553 Federal Phytosanitary exports and 11 State Phytosanitary exports; an increase in Phytosanitary Certificate issuance compared to previous years. Export numbers increased mainly due to shipments of walnuts abroad. Agricultural commodities produced in Yuba County were exported to 32 countries.
- Six of the departments licensed staff passed the federal security exam, which is a qualification for ACOs to continue to write Federal Phytosanitary export certificates. This is a significant benefit to Yuba County growers and exporters. It is a priority for the remaining biologist to become certified and support the staff during peak season phytosanitary inspections.
- The Department successfully secured grant funding from the Yuba Water Agency towards completion of an Environmental Impact Report (EIR) to protect the viability of the County Wildlife Services Program. The EIR is expected to be completed in FY 2019-2020.

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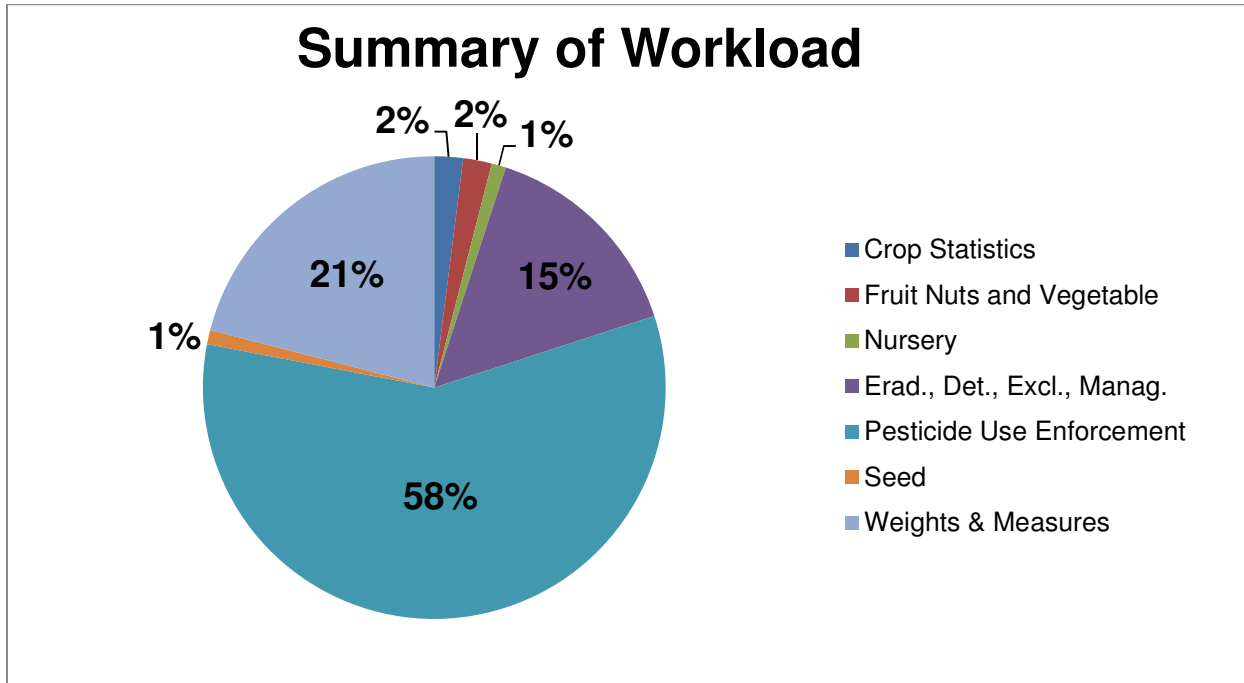
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- The Department continues to implement enhancements to CalAgPermits, our statewide web-based pesticide permitting program, which allows staff to issue pesticide permits using GIS technology. Recent enhancements include CalSchoolsNotify and BeeWhere. CalSchoolsNotify enables growers to efficiently notify schools within ¼ mile of their property of pesticides that may be applied during the year. BeeWhere allows accurate tracking and timely notification of bee colony locations to protect colonies from potentially harmful pesticide applications.
- The Department has adopted and fully implemented the California Pesticide Enforcement Activity Tracking System (CalPEATS). This system allows for integrated data, inspection and enforcement activities, streamlines paperwork, as well as reporting requirements. Currently we are implementing the California System for Pesticide Incident Reporting. This new functionality designed for farmworkers and general public to download an App to their phone or device allowing for prompt reporting of pesticide related incidents.
- Secured a contract with California Rice Commission (CRC) for after-hours enforcement for a specific rice herbicide.
- Worked with the Yuba-Sutter Farm Bureau and Yuba-Sutter Farm Extension, to provide pesticide training in both English and Spanish to various outreach and educational programs, which includes the Spray Safe program held at the fairgrounds for a large group of farm employers and employees.
- Secured private and public DWR funds to help offset expense of the USDA Wildlife Services Specialist (County Trapper), included in this budget unit. The USDA Wildlife Services Specialist worked with county Public Works Department, various water districts, and county residents to improve water drainage and flood control in various locations throughout the county.
- The Department worked with area growers to address water quality issues. The Department also represented the County on the Yuba-Sutter-Butte Sub-watershed Coalition, as well as the Sacramento River Water Quality Coalition, to implement the Conditional Waiver for Irrigated Agricultural lands.

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## Performance Measures FY 2018-2019

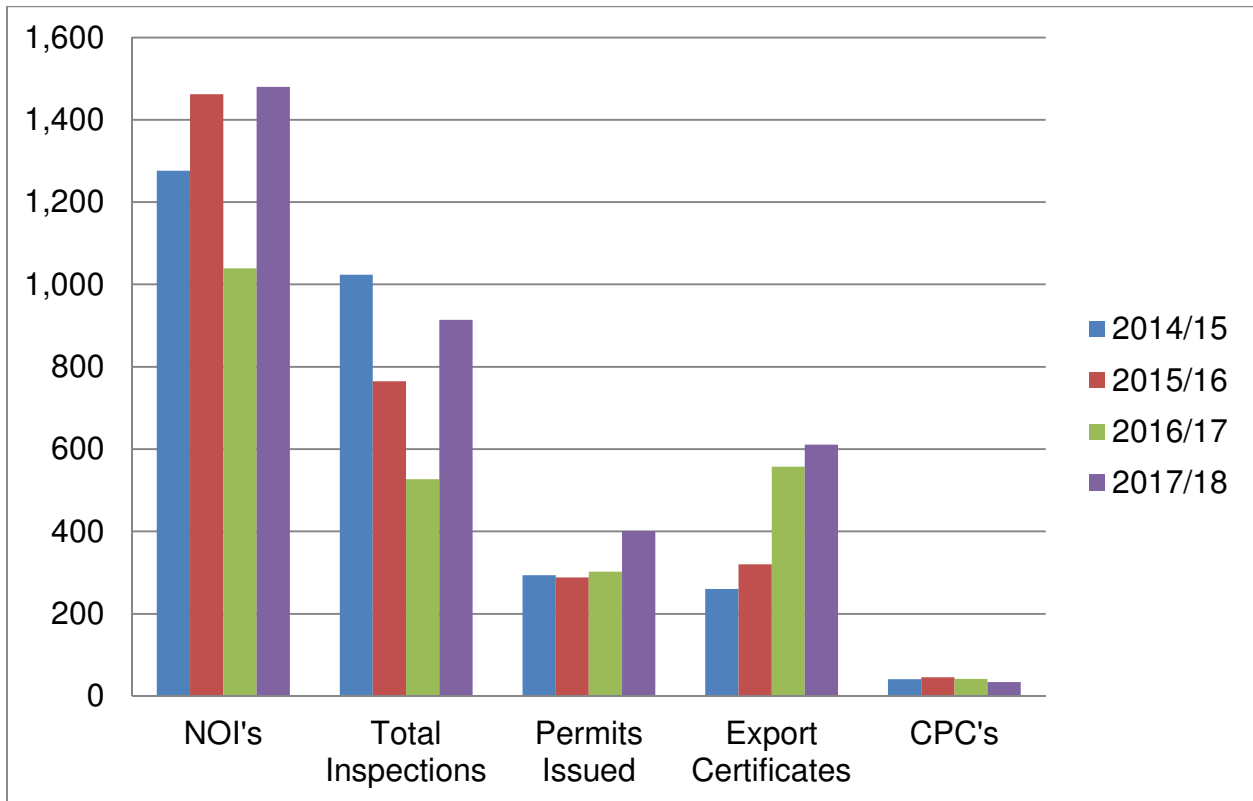


The majority of the department's workload is within the Pesticide Use Enforcement Program (PUE). This program protects the public, pesticide applicators, field workers, the environment, and agricultural crops by regulating proper pesticide use and applicator education and outreach. The majority of our state revenues are derived from this program through the pesticide Mill Tax and Unclaimed Gas Tax (UGT). Our remaining agricultural programs account for 21% of our workload; expenditures are funded through various contracts and are partially reimbursed through UGT funds.

Our Weights and Measures programs consist of consumer protection to ensure fair competition for industry members and accuracy for consumers through the minimization of measurement error in commercial transactions. This is accomplished by the inspection and testing all commercial weighing and measuring devices. Additional programs within the Weights and Measures assure the sales of goods, services, and commodities sold directly over weighing or measuring devices, or in packaged form, are accurately measured as well as comply with labeling and methods of sale requirements. These programs account for 21% of our workload and are funded through several small contracts and Device Registration Fees.

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The performance measures listed above consist of our prime performance /workload indicators. The first three indicators; Notice of Intent's (NOI), Inspections and Permits are from our mandated Pesticide Use Enforcement Program. While they show variation over the last four fiscal years, the numbers are generally increasing. The numbers do not reflect that the workload is ever increasing within this program due to increasing regulations that require more work to complete the same number of permits and inspections. Examples of increasing regulations affecting workload include the recent Pesticide Use Near Schoolsites regulation, new permit conditions and the implementation of the BeeWhere Program.

An NOI is a notice of a pending California Restricted Material pesticide application that must be reviewed and approved by our department prior to the application taking place. The review of an NOI consists of reviewing the labeling requirements, pertinent conditions, and the visual inspection of high-risk sites. This process is a critical piece of our PUE program because through compliance with the California Environmental Quality Act, pesticides can be applied without the need for Environmental Impact Reports for each application.

The department completes many different types of inspections within the PUE Program. They include Pre-Site inspections, Pesticide Use Monitoring Inspections and Headquarters Inspections. These inspections allow us to provide for the safe and effective use of pesticides within the county while simultaneously protecting the environment and the public.

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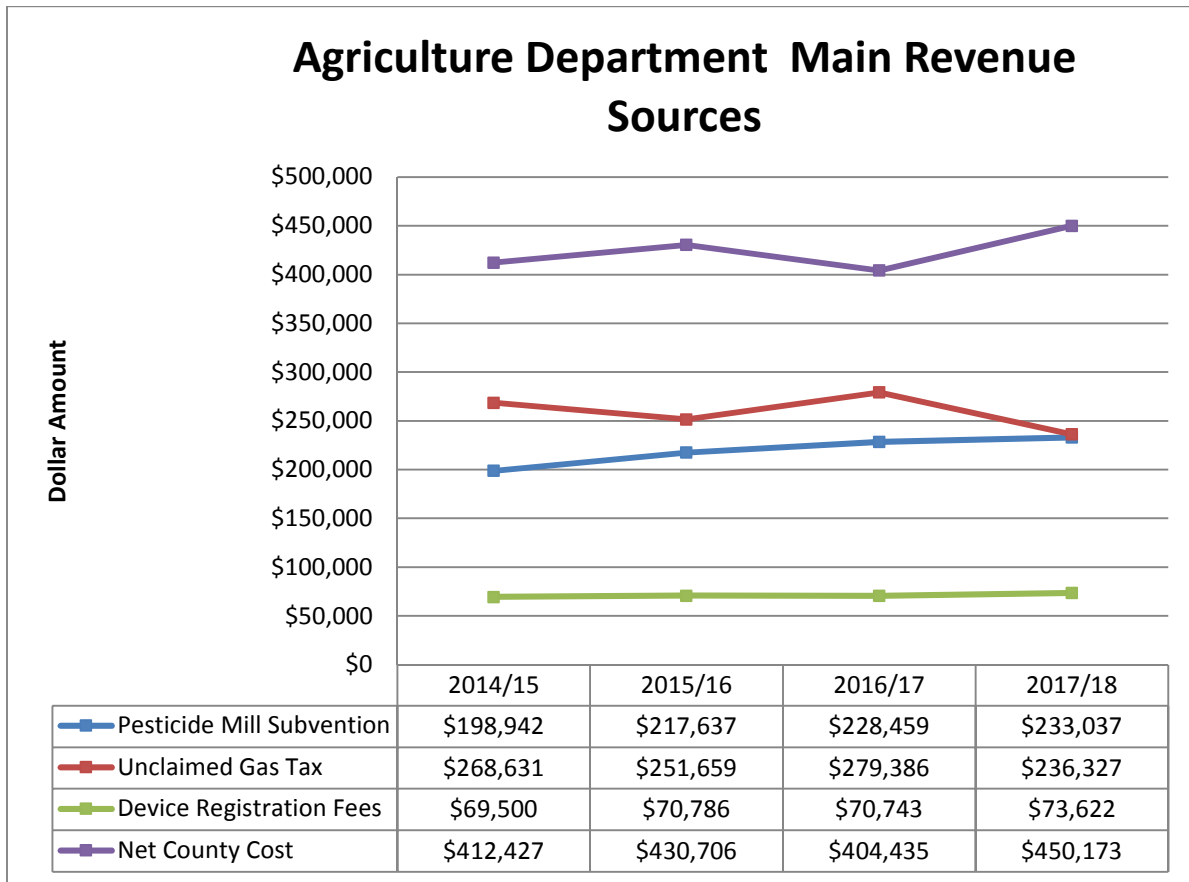
Each grower within the county that applies pesticides is required to get an annual Pesticide Use Permit. The permit must be amended and reissued when there is a change to any of the parameters of the original permit such as adding a new pesticide or a change in environmental conditions. Therefore, while there is a fairly stable amount of growers in Yuba County, the number of permits issued in a given year can vary a considerable amount based on cropping and pesticide use patterns.

Export Certificates are issued through our Pest Exclusion Program. Each shipment of an agricultural commodity that is exported from Yuba County to a foreign country requires an Export Certificate. The issuance of a certificate requires that specially certified staff inspect and ensure that each shipment is free from diseases and pests. Department staff places a high priority on the issuance of Export Certificates and make themselves available after hours when necessary. The increasing number of certificates issued over the last four years is a good indicator of workload as well as the health of the agricultural industry in Yuba County.

Certified Producer Certificates (CPC's) are issued through our Direct Marketing Program. CPC's allow local producers to sell their agricultural products at Farmers Markets and exempts them from having to meet strict regulations on labeling and container requirements. The fewer regulatory requirements draw small local farmers to this program and enables them enhance their income as well as the local economy. In addition, the Certified Producer and Certified Farmers' Market program benefits local consumers by bringing local fresh produce to communities.

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The department’s main revenue sources have been steady to slightly increasing over time. The exception is our funding derived from Unclaimed Gas Tax (UGT). UGT revenues are allocated based on our expenditures in agricultural programs. To ensure that UGT funding is received, we are required to maintain the county’s Maintenance of Effort (MOE) or Net County Cost. This means that the county’s expenditures within agricultural programs must meet its five year average to ensure the funding is received. Additionally, UGT funds are allocated based on expenditures. Therefore, when expenditures decrease, UGT funds are negatively affected in the next fiscal year. This is illustrated above when comparing UGT funding and Net County Cost between the 2016/17 and 2017/19 fiscal years.

## Goals and Objectives

### FY 2019-2020

- Pursuing revenue sources that would benefit the Department and the County, while focusing on maintaining expenditures at a minimum.
- Work with all Federal, State, and Local emergency agencies and departments to best position Yuba County Agriculture to become eligible for all disaster relief that will become available through the various programs as the ongoing precipitation and flood events continue.
- Maintain an active role with the Information Management Committee (IMC) and the Technical Advisory Panel (TAP) within the California Commissioner and Sealers Association (CACASA) in the further development of the CalAgPermits and CalPEATS pesticide programs.



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- Continue to improve functionality and utilization of the statewide permit system (CalAgPermits), statewide enforcement tracking system (CalPEATS) and the new CalSchoolsNotify Program. This will require working with the development company, Department of Pesticide Regulation, industry, growers, school administrators, and Yuba County I.T., as well as other counties. Provide training resources to staff as we continue optimizing the use of the CalAgPermits and CalPEATS programs and to encourage “online reporting” with the regulated industry and growers.
- Work with Yuba Sutter Farm Bureau, Farm Services Agency, and Resource Conservation District on agricultural related issues that have the potential to affect Yuba County. Extreme weather and flooding effects being the primary issue of concern at this time.
- Make all necessary adjustments to the department workload to assure as many agricultural phytosanitary exports take place as possible, to help keep Yuba County exporters competitive worldwide.
- Assure all our licensed biologists secure and maintain through federal exam their qualifications as a United States Department of Agriculture (USDA) ACO exporter.
- Continue working through CACASA to negotiate increased funding through the unclaimed gas tax distribution and the Pesticide Mill Assessment.
- Work with growers and school districts to assure the successful implementation of the new Pesticide Use Near Schoolsites Regulations.
- Continue working with area growers to address agriculturally related water quality issues and to represent Yuba County on the Sacramento River Water Quality and the Butte-Sutter-Yuba Sub-watershed Coalitions
- Serve as a resource to Board of Supervisors and the Planning Department during the updating of the County’s policies as per the General Plan and County Use Permits (CUP), and participate in various committees as requested by the Board or County Administrator.
- Continue to work with Human Resources within the Internship Program. Our goal is to provide local High School and College students the opportunity to work within the Agriculture Department and cultivate relationships that will encourage interest in county employment.
- Secure a contract for the completion of an Environmental Impact Report for the departments Wildlife Services Program. This will protect the programs viability and ensure needed services are available to the agriculture industry and the public.

## Pending Issues/Policy Considerations

### FY 2019-2020

- The department in conjunction with YS Farm Bureau, walnut industry, and the Yuba County Sherriff will review the current “Nut Theft Ordinance” to see if any amendments are needed.
- The Agricultural Commissioner is working with the Planning Department on providing land use recommendations for properties adjacent to agriculture operations. Potential agricultural buffers may be an issue that will need to be addressed by the Board of Supervisors.
- To continue providing training resources for the professional development of the department’s employees.
- USDA Wildlife Services Specialist (County Trapper) provides for non-domestic animal damage control including education and outreach. Currently this contract is partially funded by outside public and private funds. It is recommended that the Board of Supervisors consider this program’s priority during the budget process.

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- With the Medical Cannabis Regulation and Safety Act and the passage of Proposition 64 the department is potentially tasked with registration and regulatory functions related to cannabis production. If commercial cannabis production were to be allowed in Yuba County, the department would need to work with the Board of Supervisors and other departments to design and implement programs to effectively regulate cannabis. Currently there is no funding identified to offset the costs of these programs.
- The 2018 Farm Bill removes hemp from the controlled substances list and defines it as an agricultural commodity. In California, SB 1409 provides for regulations to be drafted legalizing and regulating hemp production starting January 1, 2019. Regulations are in development and not currently in place. The department will be working closely with the Board of Supervisors and other departments to address the opportunities and challenges industrial hemp presents at the local level.