

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

4/12/19

2. Department

Department of Pesticide Regulation (DPR)

3. Organizational Placement (Division/Branch/Office Name)

Pesticide Programs Division (PPD), Monitoring and Mitigation

4. CEA Position Title

Assistant Director, Monitoring and Mitigation

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

Under the administrative direction of the Director and Chief Deputy Director, the CEA B, Assistant Director in the Pesticide Programs Division (PPD) is responsible for all aspects of the Monitoring and Mitigation Program, including the Worker Health and Safety Branch and the Environmental Monitoring Branch. The incumbent also oversees the Legislative and Regulation Development Team, and the Modeling and Program Efficiency workgroups. The incumbent serves as the Director's principle policy advisor and formulates, implements, and represents the Department on various pesticide regulatory policy issues.

6. Reports to: (Class Title/Level)

Chief Deputy Director

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

8. Organizational Level (Select one)

- 1st
- 2nd
- 3rd
- 4th
- 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

Under the administrative direction of the Director and Chief Deputy Director, the CEA B, Assistant Director in the Pesticide Programs Division (PPD) is responsible for all aspects of the Monitoring and Mitigation Program, including the Worker Health and Safety Branch and the Environmental Monitoring Branch. The incumbent also oversees the Legislative and Regulation Development Team, and the Modeling and Program Efficiency workgroups. The incumbent serves as the Director's principle policy advisor and formulates, implements, and represents the Department on various pesticide regulatory policy issues.

Formulates and implements departmental programs, procedures, and policies relating to the work of PPD. Manages, oversees, and provides guidance to the Worker Health and Safety Branch in implementing its various programs (e.g. Pesticide Illness Surveillance, Industrial Hygiene, Worker Exposure Monitoring, and Worker Exposure Mitigation Development). Manages, oversees, and provides guidance to the Environmental Monitoring Branch in implementing its various programs (e.g. Air Monitoring, Surface Water Monitoring, and Groundwater Monitoring). Develops clear and consistent pesticide regulatory policy strategies for both worker and bystander exposure mitigation, and air and water monitoring. Reviews scientific evaluations that are the basis of proposed regulatory actions for mitigating pesticide risks; manages and actively participates in advisory committees at California Environmental Protection Agency (CalEPA) regarding issues that impact the pesticide regulatory program; develops and oversees processes to foster public participation and regulatory transparency. Coordinates and collaborates with US EPA Office of Pesticide Programs, Office of Air, and Office of Water regarding federal pesticide policy issues that impact California. Works in concert with the other Assistant Directors in PPD, the Director, and Executive staff to identify the need for new or revised legislation, rules, and regulations. Oversees the execution of critical, high-level initiatives directed by CalEPA and/or the Governor's Office.

Oversees a budget of \$18.1M for the Worker Health and Safety Branch and the Environmental Monitoring Branch, including the allocation of personnel and fiscal resources within those branches to ensure that departmental policies are implemented in the most efficient and fiscally responsible way. Manages the Program's budget to ensure personnel and fiscal accountability in accordance with the Department of Finance, Office of Administrative Law, Legislative Analyst's Office, and the Legislature. Delegates responsibility for staff functions, provides management direction of these functions, and assists Branch Chiefs in solving scientific and administrative problems.

Coordinates interagency actions on pesticide regulatory policy issues related to human health protection such as air quality, water quality, and food safety. Provides advice to the Director and Executive staff on major human health policy issues and takes the lead responsibility for managing major policy issues. Ensures efficient and uniform development and administration of policies relating to human health and environmental protection, including establishing required methods and procedures. Manages and oversees the Modeling Workgroup and the Program Efficiency Workgroup, and informs the Executive team of their progress in inter-branch collaboration to leverage DPR staff expertise and work. In alliance with the other Assistant Directors of PPD, serves as policy liaison between the Department of Pesticide Regulation and the California Department of Food and Agriculture pursuant to the provisions of the memorandum of understanding between the two departments.

Advances departmental strategic initiatives such as performance indicators, quality improvement, and strategic planning. Represents the Department at meetings and conferences on behalf of the Director, including Agency Secretary meetings, and at the resolution of sensitive issues with state, local government, private industry, and interest group representatives. As necessary, represents the Director and Executive staff at meetings with external stakeholders. Represents the Department in the resolution of issues with federal and state agencies (i.e., CalEPA's boards, departments, and offices, Department of Food and Agriculture, etc.), other states, and county and local agencies.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: DPR's mission is to protect human health and environment by regulating pesticide sales and use, and by fostering reduced-risk pest management. DPR regulates all aspects of pesticide sales and use, recognizing the need to control pests while protecting human health and the environment, and fostering reduced-risk pest management strategies.

The Assistant Director is responsible for all aspects of the Monitoring and Mitigation Program, including the Worker Health and Safety Branch and the Environmental Monitoring Branch. The incumbent also oversees the Legislative and Regulation Development Team, and the Modeling and Program Efficiency workgroups.

The Worker Health and Safety Branch is responsible for human safety (workers and the public) during and after pesticide use. The Branch's Human Health Mitigation Program evaluates exposure and risk assessments to develop and implement mitigation measures that reduce the risk of worker and public exposure to pesticides. The Pesticide Illness Surveillance Program (PISP) analyzes investigations and maintains a database of pesticide-related illnesses. The PISP database helps confirm the effectiveness of exposure control measures and identifies areas where improvements are needed. A medical consultant provides medical advice and assistance to physicians on pesticide exposures. Exposure Monitoring and Industrial Hygiene Program scientists design and conduct field research to characterize exposure to pesticides for use in exposure assessments and investigate unsafe work conditions detected by the PISP. Industrial hygienists evaluate workplaces, application equipment, and pesticide labeling for effectiveness in controlling exposure hazards and recommend safety measures when needed.

The Environmental Monitoring Branch monitors the environment to determine the fate of pesticides by analyzing potential hazards in air, soil, ground water, and surface water. It uses scientific data to develop pollution prevention strategies to protect public health and the environment from potentially adverse effects of pesticides. The branch develops methods for sampling and analyzing environmental samples for pesticides and evaluates environmental data submitted by registrants. It provides environmental monitoring data required for emergency eradication projects, environmental contamination assessments, pesticide registration and reevaluation, and human exposure evaluations. The branch takes the lead in carrying out many DPR environmental protection programs, including the Pesticide Contamination Prevention Act which is designed to prevent groundwater pollution by pesticides.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

As federal, state, and local pesticide regulations have grown, the complexity of DPR's programs, policies, and procedures have continually increased. DPR is undergoing a reorganization to strengthen the efficacy of the executive management team and realign the department's programs into a more focused and efficient structure. This reorganization will increase the number of CEAs in PPD from two to three due to the increased scope and complexity of DPR's programs. The third CEA will help to ensure effective communication between the branches within the Department which will allow for follow-up and a complete understanding of the policy direction from executive management, especially since the programs have unique issues that support the overall mission and vision of DPR. The addition of another CEA will allow each CEA in PPD to have more time to focus on the oversight and improvement of their program responsibilities, as well as ensuring consistency and efficacy statewide.

This CEA will manage the Worker Health and Safety Branch (WHS), Environmental Monitoring Branch (EM), the Office of Legislation and Regulation, the Modeling Workgroup, and several other workgroups to improve communication and efficiencies across the Department. Since 2010, several new laws and regulations have been implemented that impacts the work in both WHS and EM. For example in 2013, AB304 was passed which requires DPR to develop mitigation measures within two years of identifying and listing a pesticide as a toxic air contaminant (TAC). That law increases the complexity of the work completed by WHS and EM, since both branches work together to develop mitigation measures based on a TAC risk assessment and a risk management directive that identifies acceptable levels of risk in order to mitigate bystander exposures to a pesticide listed as a TAC. With the passage of that law, DPR was granted two new positions in WHS for mitigation development and implementation. In 2015, AB243 was passed which required DPR, in consultation with CDFA, to develop standards for pesticide use in cannabis cultivation. Cannabis is not federally approved as an agricultural crop, and therefore, there are no federally approved pesticides for use in cannabis. However, since California has approved both medical use and recreational use of cannabis (2017), we have added cannabis as one of California's crop. With that said, cannabis growers who use pesticides are required to abide by pesticide use laws and regulations, including those that address worker health and safety. That has increased the scope and complexity of the work in WHS. Since the cannabis industry has never been regulated, new policies will need to be developed, worker health and safety practices will need to be evaluated, and the employers and their workers will need to be trained in pesticide safety and monitored for compliance.

Another example is the passage of AB617 in 2017. That law required the Air Resources Board (ARB) to work with communities to develop and implement plans to monitor for primary pollutants in their communities. When that bill was introduced and discussed in the Legislature, pesticides were not intended to be a component because DPR has a separate monitoring program specifically for pesticide regulation. However, when the communities started their discussions, they wanted to include pesticides in their monitoring plan and implementation. ARB requested for DPR to be involved in the discussions, and that has increased the scope and complexity of the work done by EM. DPR will need additional staff to address this new component.

Additionally, there have also been more regulations implemented since 2010 that continues to impact the scope and complexity for both WHS and EM. For example, in 2014, DPR updated the list of pesticides that have the potential to pollute groundwater in California and also upgraded the laboratory equipment that detects pesticides in water. The new equipment can now detect pesticides up to parts per trillion. The addition of pesticides in that list, in combination with the new equipment, now requires EM staff to evaluate more data and determine whether those levels have the potential to pollute groundwater. For WHS, DPR put into regulation the requirements for mixing and loading pesticides using a closed system. This system is an additional protective mechanism to ensure that workers do not get contaminated with pesticides. All of these new regulations impact the scope and complexity of the programs in both EM and WHS, which will require the development of new policies and procedures, as well as additional oversight by the CEA.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The CEA exercises independence and authority in developing, implementing, directing, and evaluating DPR's statewide environmental monitoring and worker health and safety programs. Additionally, the CEA will manage the modeling and mitigation workgroup and all workgroups that will help improve efficiencies and internal collaboration across DPR. In coordination with the Director and Chief Deputy Director, the CEA will identify inconsistent policies and/or procedures within the branches, and develop and implement new strategies to enhance program operations.

Recently, there have been increasing concerns on environmental monitoring for pesticides in air, surface water, and groundwater. These issues have been brought about by external stakeholders in both agricultural and non-agricultural scenarios. With those increasing concerns, DPR increased the number of air monitoring sites for a period of two years to gather more data. However, DPR anticipates that more resources will be necessary to keep the additional monitoring sites, rather than discontinuing them. In fact, with the passage of AB617 and the communities decision to monitor pesticides, DPR has been asked to be involved in working with the communities to ensure that the data they collect is scientifically sound and can be used to affect decision-making. Due to this law, EM requires additional oversight from a policy perspective, especially since DPR will be working with ARB and the communities themselves.

For surface and ground water monitoring, the threshold standards for protecting aquatic life has changed in the last five years based on the standards set by USEPA and the State Water Resources Control Board, making it even more difficult and complex to regulate the amount of pesticide residues in water. DPR also implemented a regulation that limits the amount of pesticides applied in homes and structures. The impact of that regulation to mitigate pyrethroids in surface water is currently being reviewed to see if the regulation has properly mitigated the concerns. With these new issues, the CEA will be required to review the current policies as well as develop and implement new policies consistent with the Clean Water Act and the Clean Air Act to ensure that pesticide monitoring in those media are consistent.

WHS has three distinct programs: the Pesticide Illness Surveillance Program (PISP), the Exposure Monitoring Program, and the Worker Mitigation Program. PISP is the only program in the country that receives pesticide illness reports from physicians and the poison control center, and investigates all those cases to determine whether they are related to pesticide exposures or not. Although the program has been in existence since the 1990's, the policies in the program need to be evaluated to determine if the criteria used to characterize the illnesses are still relevant today. The Exposure Monitoring Program is tasked to develop data or monitor worker pesticide exposures. The CEA will need to evaluate the current application methods and characterize the exposures based on improved application technologies. The CEA will have to work with the WHS branch chief to develop and implement those policies in the program. The same is true for the Worker Mitigation Program. Since new mitigation strategies have been developed and implemented by the pesticide manufacturers, it is necessary to ensure those strategies are sufficient to protect workers who constantly work with pesticides. With the passage of AB 304, the mitigation program was given two new positions to develop and implement mitigation strategies for pesticides listed as a toxic air contaminant.

The emerging scientific technologies in human and environmental toxicology and exposure scenarios demonstrate that modeling with the use of statistical and mathematical equations are more quantitative and objective than the animal testing models that have been used in the last century. With the use of these models, it is necessary for the CEA to develop new policies and procedures, and ensure that DPR consistently applies the policies and procedures to implement those models within the Department.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The Assistant Director will be responsible for ensuring that the activities and functions pertaining to the Monitoring and Mitigation branches result in thoroughly and efficiently meeting the Department's mission. Decisions and recommendations from the Assistant Director will significantly impact statewide agency operations, DPR management, pesticide programs, and inter-agency operations. The Assistant Director assists the Chief Deputy Director in representing DPR with other State and Federal agencies on unique pesticide programs that require joint interpretation and implementation, such as implementation of the Clean Air Act, the Clean Water Act, and Worker Protection Standards.

The Assistant Director will also serve a key role in making leadership decisions and providing direction to the Environmental Monitoring and Worker Health and Safety branches to timely and effectively deal with changing needs. The branch chiefs of both branches will have to consult with the Assistant Director on policies that will impact not just their branches, but all the branches in the Department including Human Resources, Accounting and Audits, and Information Technology. In addition, the Assistant Director will be responsible for the coordination and implementation of complex pesticide issues which impact all DPR programs, and will need to work collaboratively with the other Assistant Directors in the Pesticide Programs Division as well as the Administrative Services Division and Office of Technology Services.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The CEA will be responsible for providing feedback on, interpreting, developing, and implementing policies, as well as consulting with and recommending policy to DPR executive management (Director and Chief Deputy Director). In addition to supporting executive management's overall policy decisions, the CEA will work collaboratively with the other CEAs to evaluate the relevance of existing policies and create new policies, as necessary, that have significant impact on DPR and the State of California.

Because of the increasing environmental issues related to pesticides, it is very critical for the CEA to evaluate if existing DPR policies on environmental concerns are still relevant or if they need to be revised, changed, or improved. Some of those policies were written and implemented in the 1980's when ecotoxicology issues were not necessarily a big concern and guidelines were more general. In the last decade, ecotoxicological issues have increased and the threshold for the levels of concern for pesticides are now in the parts per trillion (ppt). That means that the acceptable levels of pesticides in any media (air, surface water, or groundwater) has decreased over a hundred-fold. That also means new policies will have to be created to make decisions on how pesticides will be regulated at those levels and make decisions on what level of risk is acceptable. Another policy that needs to be implemented is that of worker safety in the cannabis industry (AB243, SB94). Since the industry is very new and was never regulated, policies have to be implemented so that the cannabis growers are educated about the use of pesticides and their impact to workers and public health.