

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), Enforcement and Pest Management

4. CEA Position Title

Assistant Director, Enforcement and Pest Management

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 Enforcement and Pest Management Program, including the Enforcement Headquarters Branch, Enforcement Regional Offices Branch, and Pest Management Branch. The incumbent also oversees the Cannabis Program and works closely with the California's County Agricultural Commissioners to provide assistance in implementing the Department's programs. The incumbent serves as one of the Director's science policy advisors 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 Enforcement and Pest Management Program, including the Enforcement Headquarters Branch, Enforcement Regional Offices Branch, and Pest Management Branch. The incumbent also oversees the Cannabis Program and works closely with the California's County Agricultural Commissioners to provide assistance in implementing the Department's programs. The incumbent serves as one of the Director's science policy advisors and formulates, implements, and represents the Department on various pesticide regulatory policy issues.

Formulates and implements departmental enforcement and pest management programs, procedures, and policies relating to the work of PPD. Develops clear and consistent regulatory policy strategies for enforcement of pesticide regulations that are carried out by the County Agricultural Commissioners for the protection of public health and the environment. Implements science-based pest management strategies and collaborates with stakeholders to develop workable and practical solutions. Reviews scientific evaluations that are the basis of proposed enforcement and pest management regulatory actions for mitigating pesticide risks. Works and collaborates with the other Assistant Directors to ensure consistent strategies in the implementation of regulatory policies. Coordinates and collaborates with various departments at the US EPA, especially the Office of Enforcement and Compliance Assurance, USEPA Region 9, and the Office of Pesticide Programs regarding federal pesticide regulatory and policy issues that impact California. Develops and oversees processes to foster public participation and regulatory transparency. 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 the California Environmental Protection Agency (CalEPA) and/or the Governor's Office.

Oversees a budget of 22.8M for the Enforcement Headquarters Branch, Enforcement Regional Offices Branch, and Pest Management 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 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 subordinate Branch Chiefs in seeking progressive solutions for scientific and administrative problems including personnel issues.

Coordinates interagency actions on pesticide regulatory policy issues related to human health and environmental protection, including food safety. Works closely with CalEPA's Enforcement Initiative Workgroup to provide insight on the Department's enforcement policies and procedures, and align them with the Agency's initiative. Works closely with stakeholders, including state universities and other public or private entities regarding research on pest management strategies. Seeks alternatives to highly toxic pesticides by providing a platform for progressive and practical research strategies. Provides advice to the Director and Executive staff on major human health policy issues and takes the lead responsibility for managing major enforcement and pest management policy issues. Ensures efficient and uniform development and administration of policies relating to enforcement and pest management, including establishing required methods and procedures. In alliance with the other Assistant Directors of PPD, serves as a policy liaison between the Department, the California Department of Food and Agriculture, and the County Agricultural Commissioners pursuant to the provisions of the memorandum of understanding between the three entities.

Advances departmental strategic initiatives such as operational planning, 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 Enforcement and Pest Management Program, including the Enforcement Headquarters Branch, Enforcement Regional Offices Branch, and Pest Management Branch. The incumbent also oversees the Cannabis Program and works closely with the California's County Agricultural Commissioners to provide assistance in implementing the Department's programs. The incumbent serves as one of the Director's science policy advisors and formulates, implements, and represents the Department on various pesticide regulatory policy issues.

The Enforcement Headquarters Branch and Regional Offices Branch's primary responsibility is to enforce federal and state laws and regulations pertaining to the proper and safe use of pesticides. The branch has overall responsibility for pesticide incident investigations and enforcement response to pesticide use violations, conducting outreach, providing guidance to county regulators, training inspectors, and evaluating effectiveness of county pesticide use programs. It runs the nation's largest state monitoring and enforcement program to ensure domestic and imported produce are free from illegal pesticide residues. The Enforcement Branch is also charged with ensuring all pesticide products sold for use in California are registered and properly labeled. They do so with field inspections of pesticide wholesalers and retailers to determine whether products are registered and if labels are identical to registered labels.

The Pest Management Branch has two main programs - the Urban Pest Management Program and the Agricultural Pest Management Program (which includes three sub-programs: the Integrated Pest Management Systems Research and Alliance Grants Program, the Pesticide Use Reporting Program, and the Endangered Species Program).

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 single CEA manages the Enforcement Branch, which includes a headquarters office and three regional offices (Northern California, Central California, and Southern California). The branch will be reorganized and divided into two branches instead of just one since it has become apparent that the effectiveness and workload in those four offices within the branch have been compromised. This has led to an informational gap between headquarters and the field offices, and between different programs that rely on each other's work products. This reporting structure makes it very difficult to communicate with direct reports in a clear and concise fashion that allows for follow-up and a complete understanding of the policy direction from executive management.

The headquarters office is comprised of the food residue program and the product compliance program, among other functions of enforcement, including management of the three regional offices. Management and oversight of all the programs and the regional offices by one Branch Chief has become overwhelming because of the increase in the scope and complexity of the programs, including current pesticide safety issues in food residues and the increasing sales and availability of unregistered pesticides online. Those issues threaten the food supply with illegal pesticide residues that impact the public health and safety of Californians. In 2017, DPR implemented a new regulation DPR 16-002 that prohibits the sale of all agricultural use and restricted material pesticides to be distributed only through licensed entities and licensed pest control dealers. The three regional offices also have specific staff working on those issues, but the coordination and collaboration with headquarter staff is difficult without another Branch Chief to report to the executive team. Each regional office is unique in specific issues they are dealing with because of the diversity of California's agriculture and urban issues in each region. Addressing those unique issues in each of the regional offices is a critical component of what this CEA must manage, along with the new Branch Chief. The new structure will allow the AD to devote more time and focus on the oversight and improvement of the enforcement programs and ensure consistency of enforcement policies throughout the State.

This CEA also oversees the Pest Management and Licensing Branch. This branch will also be undergoing a reorganization by moving its licensing program to the Enforcement Branch – Headquarters because the licensing program has been identified by DPR management as an enforcement function. This adds another program to the Enforcement - Headquarters Branch that will then be fully integrated into the enforcement functions of the Department. The Pest Management Branch will then be able to focus on the urban pest management program and the agricultural pest management program. The urban pest management program has been tasked with the development and implementation of integrated pest management (IPM) in schools, daycares, and communities. In 2014, SB1405 was passed into law which requires schools or school districts to make their IPM plan available either online or by sending them home with every student and school staff member. DPR was tasked to develop training materials and to conduct trainings to schools who are now required to train any employee who applies pesticides. The schools were also required to report all pesticide use to DPR. The implementation of this new law increased the complexity of the program and required more resources. In addition, this program is also tasked with overseeing external programs that promote IPM in California. The agricultural pest management program has been tasked with implementing and overseeing the pesticide use reporting (PUR) program. California is the only state in the United States that requires 100% full reporting of all agricultural pesticide use since 1990. However, with the improvements in information technology and the public's demand for reliable and quickly-available information, DPR has to make sure the PUR information is readily-available in a format that is accurate. This entails more resources for the program and for DPR's Information Technology Office. In addition, the agricultural pest management program also includes the endangered species program and oversight of various grants that promote best management practices in the efficient and public health protective use of agricultural pesticides. Also, in fiscal year 2014-2015, the legislature gave DPR the authority to administer more funds and provide them to groups that promote best management practices in agriculture with the safe use of pesticides.

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 enforcement and pest management programs, policies, and procedures. In coordination with the Director and Chief Deputy Director, the position identifies inconsistent policies and/or procedures within the branches and develops and implements strategies to enhance program operations.

The CEA will develop, implement, and maintain policies in the food residue program. This statewide program ensures that fresh produce in California does not contain illegal pesticide residues that may impact public health. The program collects fresh produce from various distribution warehouses and retail outlets, and tests them for pesticide residues. This also includes fresh produce imported from Mexico, South and Central America, and Asia. The produce is then sent to the laboratory for pesticide residue analysis. If a pesticide is found in fresh produce with levels that might be a public health threat because it is not approved for use in that crop, or sometimes not approved for use in the United States, then the CEA will have to make a decision to destroy the crop and oversee an investigation to find the source of the crop with illegal residues. DPR funded the CDFA lab with new equipment within the past five years to be able to detect pesticide residue levels in the parts per trillion. This new equipment is now able to detect more and more pesticide residues in crops that are not even allowed to be use on those crops, which has increased the scope and complexity of the food residue program. In response, DPR is making sure that any crop with unregistered pesticides is not allowed in the channels of trade and is destroyed.

The CEA will also make policy decisions regarding the sales of unregistered pesticides in the State. California requires that all pesticides sold and used in California be registered in the State, in addition to its federal registration requirement. The increasing availability of pesticide sales online has been an enforcement issue within the last decade. The product compliance program in the Enforcement Branch has been challenged and inundated with numerous violations, and the oversight of that program has been extremely difficult. In 2017, DPR implemented a new regulation DPR 16-002 that prohibits the sale of all agricultural use and restricted material pesticides to be distributed only through licensed entities and licensed pest control dealers. This new regulation has increased the complexity of the program, and staff must now ensure online sales do not occur, and if it does, enforcement action will be necessary. The CEA will have to develop new policies and strategies in tracing and finding online pesticide sales and implement those strategies with available resources to maximize the effort. Illegal online pesticide sales impacts public health and safety because those unregistered pesticides have not undergone California's rigid pesticide evaluation before registration. Therefore, the use of unregistered pesticides impacts the health and safety of California.

The CEA will also need to continue to develop and maintain policies in implementing the cannabis program. With the passage of AB 243 in 2015 and SB 94 in 2017 approving medicinal and adult-use cannabis in the State, the use of pesticides on cannabis has been an issue. Cannabis remains to be a schedule 1 drug in the United States, and therefore, no pesticides are registered for the use on cannabis. However, since California has approved the use of cannabis in the State, the cannabis growers petitioned the Department to allow the use of pesticides on cannabis. This creates a conflict since federal registration of pesticides is required to be used on any crop. In addition, cannabis growers are also required to ensure worker health and safety for any pesticide use. The CEA will have to continue to develop policies and make decisions that ensure the health and safety of cannabis users from pesticide residues, and the health and safety of workers who work on cannabis that use pesticides for pest management.

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 Enforcement and Pesticide Management 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 inter-agency cooperative efforts with the County Agricultural Commissions and the CalEPA.

The Assistant Director will serve a key role in making leadership decisions and providing direction to the branches to timely and effectively deal with changing needs, especially in enforcement and pest management. In addition, the Assistant Director will be responsible for the coordination and implementation of complex pesticide issues which impact all DPR programs. The Assistant Director will also make leadership decisions in the pesticide issues impacting cannabis. They will also work collaboratively with the other Assistant Directors in the Pesticide Programs Division, the Administrative Division, and the Chief Information Officer in recommending options for decision making to the Chief Deputy Director in the administration and operation of the Department.

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 Assistant Director will also have significant independent responsibility to create and implement new policies and procedures among the three branches under its responsibility.

The CEA will be developing policies and procedures to ensure that communication breakdown does not occur between the two branches of Enforcement, especially since they both implement statewide pesticide enforcement laws and regulations. The CEA will also continue to evaluate the cannabis program and develop new policies that will impact its implementation. Additionally, the CEA will continue to evaluate existing policies and seek new ways to encourage the development of best management practices of pesticide use in both agricultural and urban settings. All of these efforts will require expert staff management skills, a collaborative attitude between internal and external stakeholders, and skillful communication strategies to ensure successful negotiations and improved programs.