

# Agricultural Commissioner

Stephen Scheer – Agricultural Commissioner/Director of Weights and Measures

Ag Commissioner 101-3400	FY 22/23 Adopted Budget	FY 23/24 CAO Recommended	Change
<b>EXPENDITURES</b>			
Salaries and Benefits	\$1,116,360	\$1,199,052	\$82,692
Services and Supplies	\$258,505	\$251,252	(\$7,253)
Other Charges	\$160,547	\$160,547	\$0
Fixed Assets	\$0		\$0
<b>TOTAL EXPENDITURES</b>	<b>\$1,535,412</b>	<b>\$1,610,851</b>	<b>\$75,439</b>
<b>REVENUE</b>			
Fed/State Grant	\$566,950	\$621,950	\$55,000
Realignment			\$0
Fees/Misc	\$131,500	\$180,000	\$48,500
<b>TOTAL REVENUE</b>	<b>\$698,450</b>	<b>\$801,950</b>	<b>\$103,500</b>
<b>FUND BALANCE</b>			<b>\$0</b>
<b>NET COUNTY COST</b>	<b>\$836,962</b>	<b>\$808,901</b>	<b>(\$28,061)</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 59 % 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 25% of budget.

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- **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 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. Devices that 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 10% of budget.
- **Package Quantity 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.

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## **Consumer Protection (Agriculture)**

- **Nursery Protection:** To provide consumers nursery stock that 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 include wholesale inspection of producing nurseries and 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 include 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 that meets California seed standards. Program elements include 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, Lindhurst and South 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
- Chair for California Agricultural Commissioner and Sealers Association (CACASA) Pesticide Regulatory Affairs Committee
- Specifications and Tolerances Committee representative for CACASA
- Member of Department of Pesticide Regulation Agricultural Pest Control Advisory Committee
- Member of Department of Pesticide Regulation Pest Management Advisory Committee
- Member of the CACASA Washington D.C. Delegation 2019
- Serve in Planning/Intelligence Section 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 2022-2023**

- The Agricultural Commissioner served as the chair of the Pesticide Regulatory Affairs Committee for the statewide organization of California Agricultural Commissioners and Sealers Association (CACASA). He maintained membership with various CACASA committees and was involved with special projects for the association as appropriate.
- The department continued 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 384 Federal Phytosanitary exports; a decrease in Phytosanitary Certificate issuance compared to previous years. Agricultural commodities produced in Yuba County were exported to 32 countries.
- Five of the department's licensed staff passed the federal security exam, which is a qualification for Accredited Certification Officials (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.

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- The department continued to implement enhancements to CalAgPermits, our statewide web-based pesticide-permitting program, which allows staff to issue pesticide permits using Geographic Information Systems (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 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 is designed for farmworkers and the 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. This includes the Spray Safe program held at the fairgrounds for a large group of farm employers and employees.
- Secured private and public Department of Water Resources (DWR) funds to help offset expense of the United States Department of Agriculture (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 the 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.
- The department continued to work with the California Department of Food and Agriculture and Department of Pesticide Regulation to distribute thousands of surgical masks, N-95 respirators and other personal protective equipment to Yuba County's agricultural workforce.
- Worked with UC Farm Advisors, Cal-Fire, Sheriff, and Office of Emergency Services (OES) to establish Yuba Livestock Ag Pass Program to allow livestock producers to access their livestock within quarantine boundaries after a catastrophic event. This program will also coordinate with Ag Pass programs in Placer, Nevada, and Butte Counties.

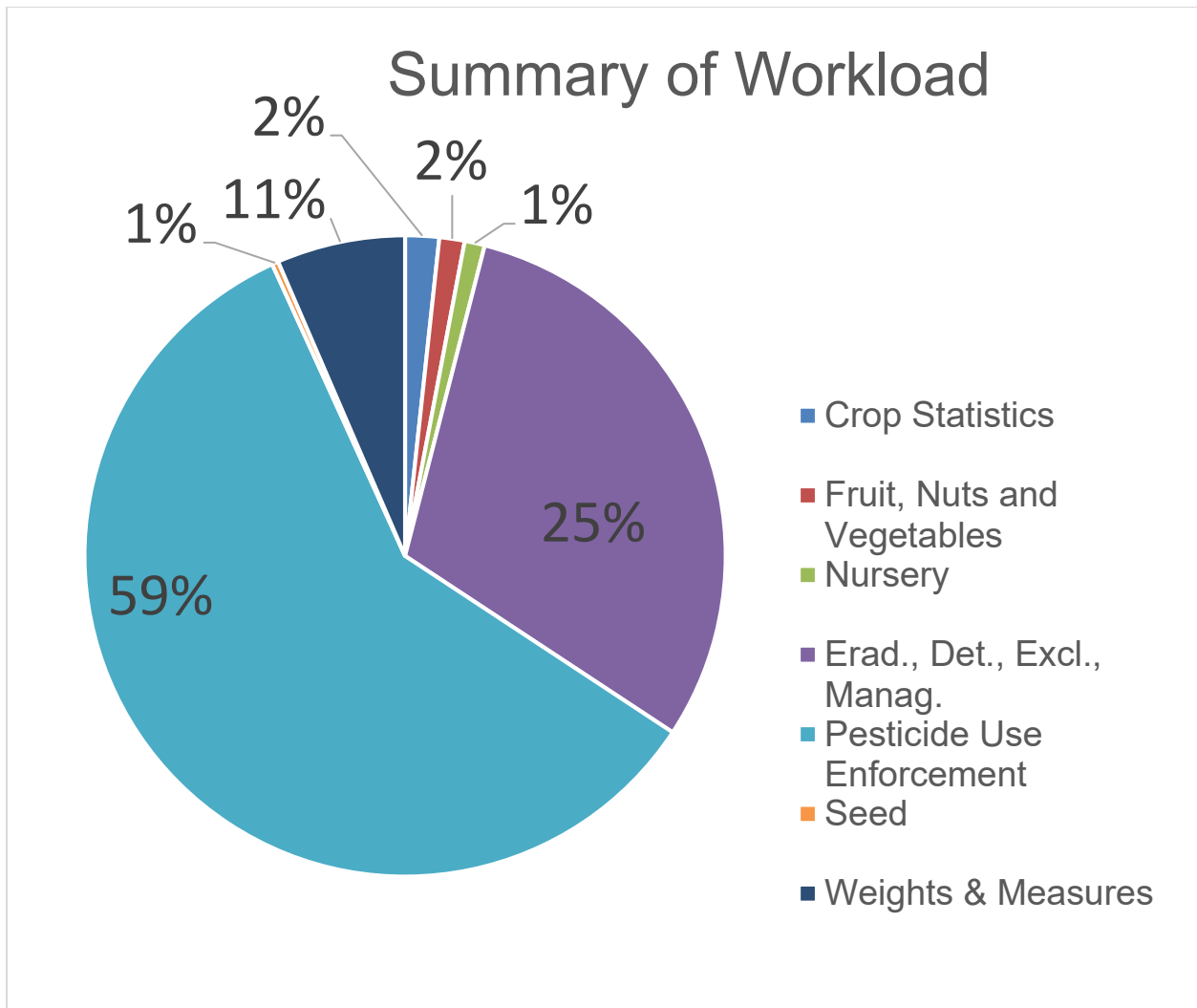
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- The department implemented CalCATS, a new timekeeping and reporting program. This program streamlines state reporting requirements and generates the department’s Annual Financial Statement.
- Continued to secure funds to continue the department’s Noxious Weed Program which had been unfunded for the past ten years.

## Performance Measures

FY 2022-2023

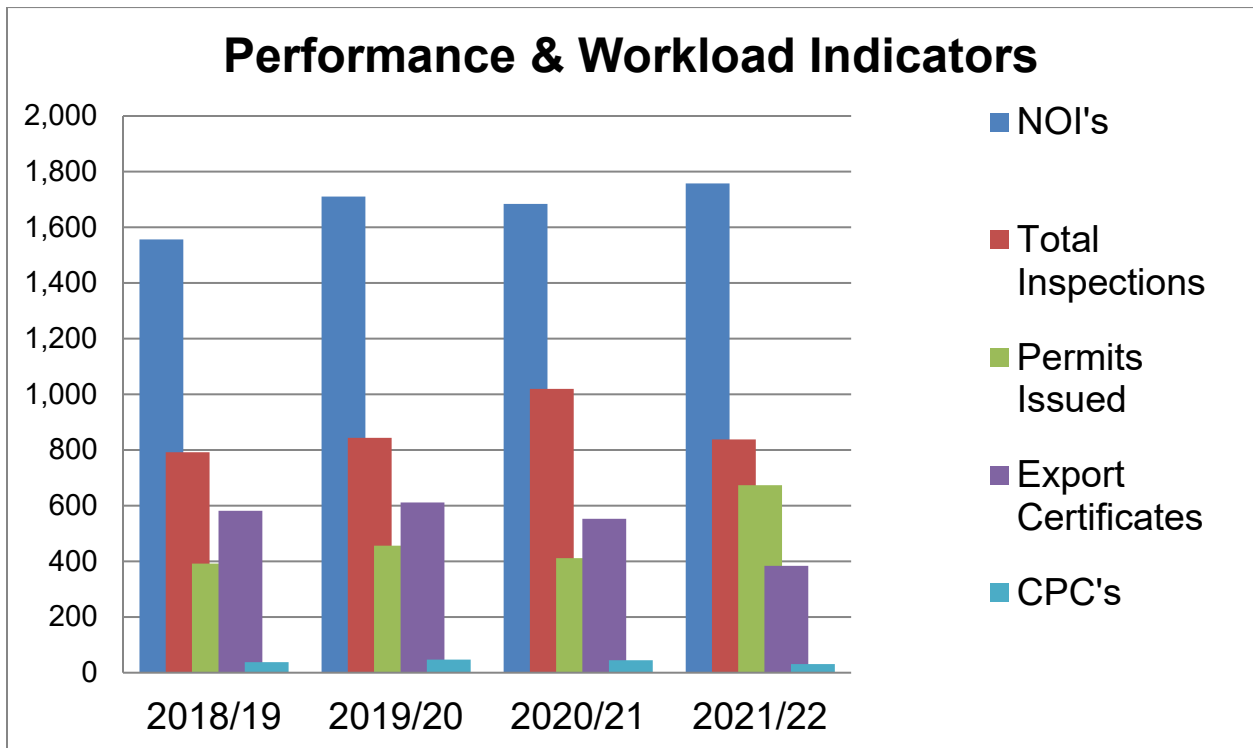


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The majority of the department’s workload is within the Pesticide Use Enforcement Program (PUE). This program accounts for 59% of our workload and protects the public, pesticide applicators, field workers, the environment, and agricultural crops by 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 25% of our workload; expenditures are funded through various contracts and are partially reimbursed through UGT funds.

Our Weights and Measures programs strengthens consumer protection by ensuring 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 Weights and Measures assure the sales of goods, services, and commodities sold using 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 11% of our workload and are funded through several small contracts and device registration fees.



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The performance measures cited in the previous graphic 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 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 School sites regulation, new permit conditions, increased documentation of pesticide alternatives and 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 a 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.

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 number 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.

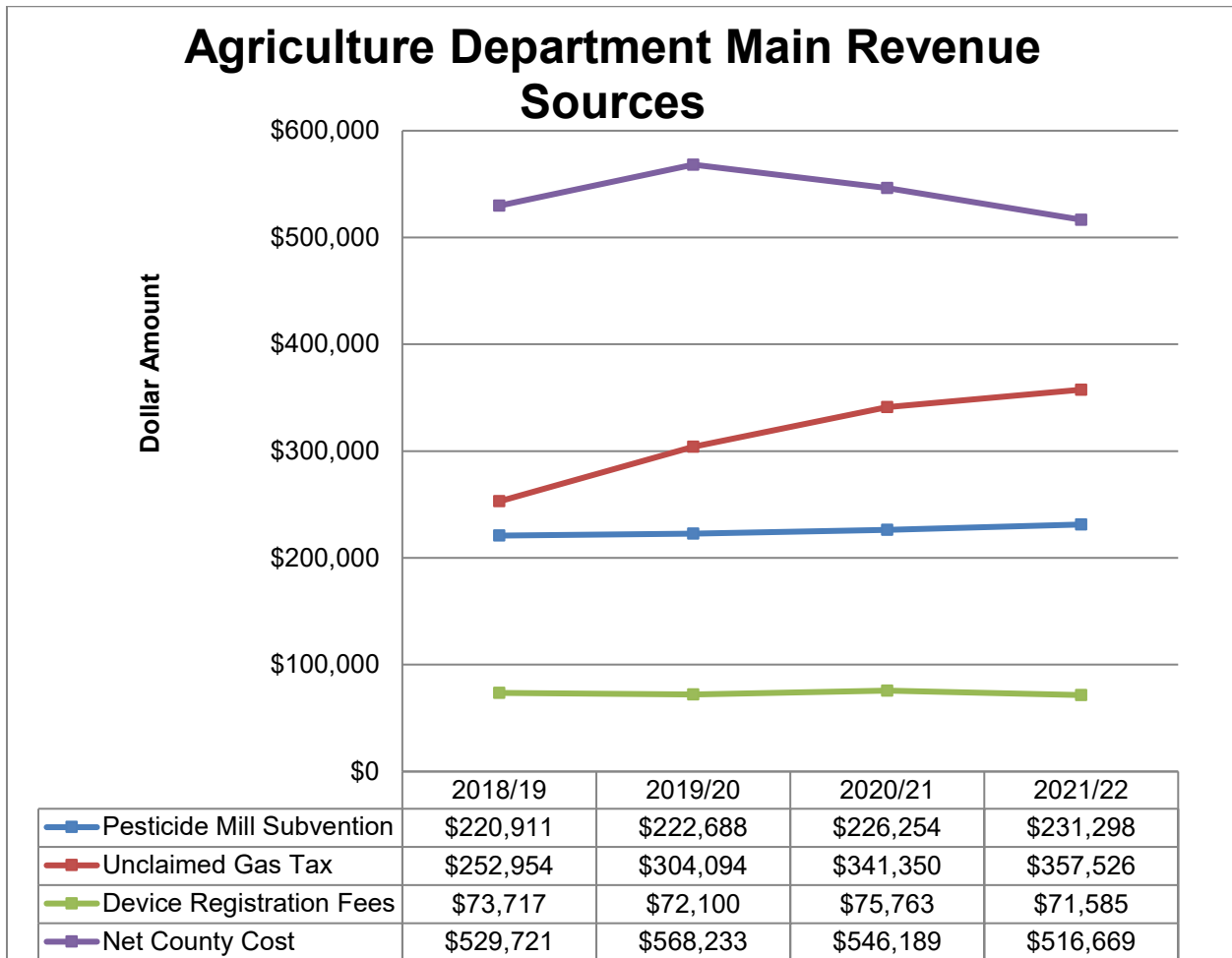
Export Certificates are issued through our Pest Exclusion Program. Each shipment of an agricultural commodity that is exported from Yuba County to a foreign country requires an Export Certificate. The issuance of a certificate requires that specially certified staff inspect and ensure that each shipment is free from diseases and pests. Department staff members place 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 (CPCs) are issued through our Direct Marketing Program. CPCs 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 to enhance their income as well as the local economy. In addition, the Certified Producer and Certified Farmers’ Market programs benefits local consumers by bringing local fresh produce to communities.



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\*\*The increases in Net County Cost in FY’s 18/19 and 19/20 were due to increased Salary & Benefit costs and the counties partial funding of our Wildlife Services Environmental Impact Report.

In FY 20/21 and FY 21/22 the department’s main revenue sources increased. This is due to the department’s expenditures in agricultural programs. A large portion of our state funding is derived from Unclaimed Gas Tax (UGT). UGT revenues are allocated based on our expenditures in agricultural programs. To ensure UGT funding is received, we are required to maintain the County’s Maintenance of Effort (MOE) or Net County Cost. The department’s expenditures within agricultural programs must meet its five year average to ensure the funding is received. When expenditures decrease, as is being requested in the FY 23/24 budget, UGT funds will be negatively affected in the next fiscal year. This is illustrated above when comparing UGT funding and Net County Cost in the previous year. Generally, if Net County Cost decreases the UGT funding in the following year also decreases.

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## Goals and Objectives

### FY 2023-2024

- Pursue 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 flood, fire, and drought events continue.
- Maintain an active role as the chair of the Pesticide Regulatory Affairs Committee within the California Commissioner and Sealers Association (CACASA).
- 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 Information Technology (IT), 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 drought being the primary issues 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 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 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 Conditional Use Permits (CUP), and participate in various committees as requested by the Board or County Administrator.

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- 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.
- Continue to inform the Board of Supervisors regarding Industrial Hemp regulatory framework working towards the successful integration of this new agricultural commodity in the future.

## **Pending Issues/Policy Considerations FY 2023-2024**

- The department, in conjunction with Yuba-Sutter (YS) Farm Bureau, walnut industry, and the Yuba County Sheriff, 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. For the FY 23/24 the Yuba Water Agency has agreed to fully fund the counties portion of this position.
- 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.
- Industrial hemp as a new agricultural commodity continues to be an issue of concern. Currently the regulations continue to evolve. California counties with Industrial Hemp cultivation continue to report widespread violations within the program and increasing County general fund costs. Currently the department is working with County Council to consider prohibiting industrial hemp production in Yuba County.
- The California Department of Pesticide Regulation is currently proposing to implement a statewide notification system for pesticide applications. This system would provide for the general public to access information about where and when pesticide application are taking place. This system has the potential to negatively impact farming operations and disrupt cultural activities. As the chair of CACASA’s Pesticide Regulatory Committee I will be directly working with Agricultural Commissioners throughout the state to minimize the impacts of this system to agriculture.

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- In the current budget the department has been asked to reduce our general fund contribution by 15%. The request has been accomplished by raising fees, increasing revenue, and decreasing expenditures. The department's main funding sources require that we maintain the counties Maintenance of Effort (MOE) in agricultural programs. The requested budget cuts will decrease the department's revenues in the following FY.