



A Tradition of Stewardship
A Commitment to Service

Board of Supervisors

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Bill Dodd
Chairman

August 9, 2011

The Honorable Diane Price
Presiding Judge
Superior Court of California, County of Napa
825 Brown Street
Napa, CA 94559

FILED

AUG 17 2011

Clerk of the Napa Superior Court
By: C. Bannan
Deputy

Dear Judge Price:

As required by Penal Code Section 933(c), enclosed is the response to the 2010-2011 Final Reports on Pesticide Use in Napa County, Department of Corrections/Jail, Napa County, Auditor-Controller and Napa County Juvenile Hall.

Grand Jury activity takes place over the course of a number of months. As such, their findings and recommendations often address issues which county departments have already identified as problems and to which solutions are in the process of being developed.

The Board acknowledges the members of the 2010-2011 Grand Jury for the time they have devoted in preparing their report.

Sincerely,

Handwritten signature of Bill Dodd in cursive.

Bill Dodd, Chairman
Napa County Board of Supervisors

Enclosure

cc: Foreman, 2011-2012 Grand Jury

Received
Napa Superior Court

AUG 17 2011

Court Executive Office

Brad Wagenknecht
District 1

Mark Luce
District 2

Diane Dillon
District 3

Bill Dodd
District 4

Keith Caldwell
District 5

**NAPA COUNTY
RESPONSE TO THE GRAND JURY REPORT
FISCAL YEAR 2010-2011**

PESTICIDE USE IN NAPA COUNTY

COMMENDATION: The Agricultural Commissioner's enthusiastic and consistent efforts in managing pesticide use in Napa County have resulted in a better quality of life in our community.

Response, Agricultural Commissioner: I am humbly grateful to the Napa County Grand Jury for this commendation. And while it is indeed flattering to have one's work acknowledged, I would be remiss to not recognize and share this commendation with the local agricultural industry and my staff. For it should be noted that if the Agricultural Commissioner should receive any credit for "a better quality of life in our community", it is through the consistent high quality of work performed by my staff and their commitment to our local pesticide regulatory program. Additionally, sharing this commendation with the local wine grape industry is appropriate because of the sustainable choices they make every day.

FINDING 1: On-going ACO (Agricultural Commissioner Office) efforts and industry trends (IPM [integrated pest management], organic and sustainable farming) have resulted in a substantial and steady reduction in pounds of active ingredients in pesticides applied.

Response, Agricultural Commissioner: The Agricultural Commissioner agrees in part with this finding. The Agricultural Commissioner agrees that a reduction in pounds of active ingredients of pesticides applied has occurred over time and agrees that this reduction has been the result of sustainable industry trends. The Agricultural Commissioner neither agrees nor disagrees that the reduction is due to the efforts of the Agricultural Commissioner's office. The Agricultural Commissioner's office is responsible for regulating the use of legally registered pesticides. The selection of which pesticide to use is made by the end user. It may be that the Agricultural Commissioner's office pesticide regulatory efforts acts as a deterrent to pesticide use in some cases, but the effects of these efforts are really not easily quantifiable.

As a scientific note, the Agricultural Commissioner's assumption is the Napa County Grand Jury has chosen the reduction in total pounds of pesticide active ingredients applied in Napa County as a measure signifying an improved condition or a relatively healthier situation for the community. If the assumption is correct and while this measurement can at times be accurate, it ignores some significant and important factors in this type of scientific evaluation. The basic premise of toxicology is that everything can be toxic. It is the dose or amount of each substance that determines the hazard or risk, whether to individuals or the community. As an example, common everyday table salt or sodium chloride can be toxic in very high amounts, but a little sprinkled on our food is usually considered very safe from a toxicological point of view. So, to measure the toxicological risk, one must consider both the amount (pounds of pesticide active ingredients) and the relative toxicity of the materials being used.

The Agricultural Commissioner believes that the conclusion that the use of agricultural pesticides in Napa County is not having a significant negative impact on the health of our community is an accurate one. This belief is substantiated in the recent findings of the Napa County Community Health Needs

Assessment, "Identifying Community Health Needs" (*Barbara Oved Associates, October, 2010*) which concludes that one challenge continuing to effect the perception of health and well-being in our community is the environmental effects of pesticides. The reality is there are "low rates of effects from pesticides" actually effecting our community. But, the choice of more sustainable practices by the local agricultural industry surely can and does help to refute the perceptions of negative health effects from pesticides and helps to maintain the "low rates of effects from pesticides" in our community. In addition, the local pesticide regulatory program, implemented by the Agricultural Commissioner's office continues to ensure these community values are upheld and any adverse effects remain low.

Response, Board of Supervisors: The Board of Supervisors agrees in part with this finding and incorporates by reference the response and explanation of the Agricultural Commissioner.

FINDING 2: ACO (Agricultural Commissioner's office) does not adequately inform the general public about pesticide violation enforcement statistics.

Response, Agricultural Commissioner: The Agricultural Commissioner disagrees with this finding. The Agricultural Commissioner's office is required to respond to requests for public information in accordance with Government Code Section 6250 et sec. (the California Public Records Act). Documents related to enforcement of pesticide laws and any pesticide violations or enforcement actions are considered public information under the California Public Records Act and requests for these records are processed and records provided in accordance with the Act.

The Agricultural Commissioner's office routinely publishes information about enforcement actions in newsletters that are distributed to the agricultural industry and made available on the department web site. The goal of the Napa County pesticide regulatory program is to ensure compliance with applicable laws and regulations. Therefore, providing information about violations and enforcement actions directly to pesticide users ensures those whose compliance can be affected by these data have this information. Others who may have questions about these issues can and do contact the Agricultural Commissioner's office to make a California Public Records Act request, access the information in newsletter postings or ask questions of staff that are promptly answered.

Response, Board of Supervisors: The Board of Supervisors disagrees with this finding and incorporates by reference the response and explanation of the Agricultural Commissioner.

RECOMMENDATION 1: By January 2012, the Agricultural Commissioner post for the general public, on the County website, statistics on pesticide use, violations, fines and restrictions and update the information on an annual basis.

Response, Agricultural Commissioner: The recommendation has been implemented. A link to pesticide use data for Napa County has been posted on the Agricultural Commissioner's website and statistics on violations and fines will continue to be published in the annual newsletter which will also be available on the Agricultural Commissioner's website.

Response, Board of Supervisors: The recommendation has been implemented.

RECOMMENDATION 2: By January 2012, the Agricultural Commissioner annually prepare and send a notice, to the local newspapers for them to publish, which will give the general public the statistics on pesticide use, violations, fines and restrictions.

Response, Agricultural Commissioner: The recommendation will be implemented. The information is already available to the general public either on-line or by contacting the Agricultural Commissioner's office. Staff will send a press release to local media announcing the release of pesticide information on the Agricultural Commissioner's website.

Response, Board of Supervisors: The recommendation will be implemented.