



SANTA CRUZ  
COUNTY  
GRAND JURY

Grand Jury <grandjury@scgrandjury.org>

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## Board of Supervisors Response to Grand Jury Report "Honoring Commitments to the Public..."

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Caitlin Smith <Caitlin.Smith@santacruzcountyca.gov>

Tue, Sep 10, 2024 at 3:06 PM

Good Afternoon,

Please see attached for the Board of Supervisors' response to the 2023-2024 Grand Jury Report "Honoring Commitments to the Public – Review of 2020-21 Grand Jury Report Responses."

Best,

Caitlin C. Smith

County Supervisors' Analyst

Santa Cruz County Board of Supervisors

[701 Ocean Street, Room 500](#)

[Santa Cruz, CA 95060](#)

831-454-2200 main

831-454-3516 direct

[caitlin.smith@santacruzcountyca.gov](mailto:caitlin.smith@santacruzcountyca.gov)

To email all five members of the Board of Supervisors at once,

please use: [boardofsupervisors@santacruzcountyca.gov](mailto:boardofsupervisors@santacruzcountyca.gov)

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### 2 attachments



**Cover Letter Honoring Commitments to the Public.pdf**  
195K



**Response to Grand Jury report Honoring Commitments to the Public.pdf**  
505K



# County of Santa Cruz

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## BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069  
(831) 454-2200 FAX: (831) 454-3262 TDD/TTY - Call 711

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**BRUCE MCPHERSON**  
FIFTH DISTRICT

September 10, 2024

The Honorable Katherine Hansen  
Santa Cruz Courthouse  
701 Ocean Street  
Santa Cruz, CA 95060

Dear Judge Hansen,

The purpose of this letter is to formally transmit the Board of Supervisors' response to the 2023-2024 Grand Jury Report "Honoring Commitments to the Public – Review of Grand Jury Report Responses."

Sincerely,

JUSTIN CUMMINGS, Chair  
Santa Cruz County Board of Supervisors

JC:cs  
Attachments

CC: Clerk of the Board  
Santa Cruz County Grand Jury



The 2023–2024 Santa Cruz County Civil Grand Jury  
Requires the

**Santa Cruz County Board of Supervisors**

to Respond by September 16, 2024

to the Findings and Recommendations listed below  
which were assigned to them in the report titled

**Honoring Commitments to the Public**

Review of 2020-21 Grand Jury Report Responses

Responses are **required** from elected officials, elected agency or department heads, and elected boards, councils, and committees which are investigated by the Grand Jury. The California Penal Code (PC) [§933\(c\)](#) requires you to respond as specified below and to keep your response on file.

Your response will be considered **compliant** under [PC §933.05](#) if it contains an appropriate comment on **all** findings and recommendations **which were assigned to you** in this report.

Please follow the instructions below when preparing your response.

## Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

1. **For the Findings, mark one of the following responses with an “X” and provide the required additional information:**
  - a. **AGREE with the Finding**, or
  - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
  - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.
2. **For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:**
  - a. **HAS BEEN IMPLEMENTED** – provide a summary of the action taken, or
  - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – provide a timeframe or expected date for completion, or
  - c. **REQUIRES FURTHER ANALYSIS** – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
  - d. **WILL NOT BE IMPLEMENTED** – provide an explanation of why it is not warranted or not reasonable.
3. **Please confirm the date on which you approved the assigned responses:**

We approved these responses in a regular public meeting as shown  
in our minutes dated September 10, 2024.

4. **When your responses are complete, please email your completed Response Request as a PDF file attachment to both**

The Honorable Katherine Hansen, Grand Jury Supervising Judge  
[Katherine.Hansen@santacruzcourt.org](mailto:Katherine.Hansen@santacruzcourt.org) and

The Santa Cruz County Grand Jury [grandjury@scgrandjury.org](mailto:grandjury@scgrandjury.org).

**If you have questions about this request form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to [grandjury@scgrandjury.org](mailto:grandjury@scgrandjury.org).**

# Findings

**F1.** The California Department of Pesticide Regulation is developing a new system of notification for agricultural pesticide applications statewide and the proof of concept shows promise of being a good solution for notifying the public of pesticide application information in a timely manner.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

**Response explanation** (required for a response other than **Agree**):

**F2.** The Active and Passive modes of notification will allow access to members of the public in a manner of their choosing. Some people are comfortable signing up for notifications, others are not and would prefer to look up the information anonymously. This appears to provide most people the option to choose the method with which they are most comfortable.

**AGREE**

**PARTIALLY DISAGREE**

**DISAGREE**

**Response explanation** (required for a response other than **Agree**):

**F3.** Because project delays have put off the release of the new system until the Spring of 2025, rather than 2024 as originally proposed, it is even more important that the public be made aware of what the new system will provide to them.

**AGREE**

**PARTIALLY DISAGREE**

**DISAGREE**

**Response explanation** (required for a response other than **Agree**):

While it is agreed that it is important for the public to be made aware of DPR's pesticide notification system, it needs to be recognized that DPR has been raising awareness of the system since beginning development on it in 2021/22, through public hearings, public comment periods, press releases, updates via their website, etc., and continues to do so. The notification system has been reported on by the media repeatedly, including over the recent weeks and months, with coverage occurring in multiple statewide newspapers and on some televised broadcasts. The State Board of Food and Agriculture itself (chaired by Agriculture Secretary Karen Ross) has held two separate public meetings on the notification system (in January and again in July of this year.)

**F4.** As science progresses, less toxic pesticides are being developed and released regularly, and growers are finding acceptable alternatives to many pesticides. Less toxic pesticide use in Santa Cruz county is leading to lower risks to human and environmental health.

**AGREE**

**PARTIALLY DISAGREE**

**DISAGREE**

**Response explanation** (required for a response other than **Agree**):



**F5.** Communication between the Agricultural Commissioner’s Office and other south county officials concerning pesticide management is not adequate, leading to a higher risk to human health.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

**Response explanation** (required for a response other than **Agree**):

The Board is in disagreement with this finding. The Agricultural Commissioner’s Office has a long and consistent history of communicating with south county officials regarding the work we are involved in and potential interests or impacts with respect to county residents. While the office is not involved in “pesticide management” (which is the work of growers, licensed applicators, UC Cooperative Extension Farm Advisors, and licensed California Pest Control Advisors), it is directly involved in the *regulatory aspects of pesticide use* – both agricultural and non-agricultural – through permitting, pesticide use report review, monitoring and active use surveillance, pesticide use inspections, safety and pesticide storage audits, and fieldworker pesticide safety inspections. This work is broadly defined (through our contracting state agency, the California Department of Pesticide Regulation, or DPR) as the Pesticide Use Enforcement (PUE) Program. Over the years, the Office has met and discussed matters of interest where our PUE Program is concerned with south county district supervisors, members of the Watsonville City Counsel, and State Assembly and Senate representatives. The facets of the PUE Program and the work involved are shared with county officials in the same manner as with county citizens and members of the community – the office responds to questions, concerns, or comments quickly and with all the relevant information that can be provided.

Another direct example of consistent communications with south county officials is regular messaging with the Pajaro Valley Unified School District, particularly with respect to proposed applications of pre-plant soil fumigants that may take place within 1/4 mile of a school campus. The Agricultural Commissioner’s Office have been notifying and communicating with PVUSD for approximately two decades on field fumigant applications, and discussions related to agricultural pesticide use have included the district safety officer and superintendent of schools.

Furthermore, there is regular communication with other agency officials serving the south county area, including but not limited to the Santa Cruz County Environmental Health Department, the Santa Cruz County Public Health Department, the Santa Cruz County Planning Department, and the Santa Cruz County Resource Conservation District.

**F7.** The joint effort between CAL Fire and OR3, as well as many other partners listed in the report, to improve preparedness for future wildfires is well-documented in the above-mentioned After-Action Report and Improvement Plan. Furthermore, the Grand Jury’s recommendation that this undertaking commence within 6 months of the Grand Jury report publication did take place in the allotted time period. However, the Grand Jury did not find the original report or any published updates to the initial report that included progress towards the report’s stated objectives. Such publications would reassure the public that wildfire preparedness is a priority and is being addressed.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

**Response explanation** (required for a response other than **Agree**):

OR3 is coordinating with ALL fire agencies, and local jurisdictional partners on all hazard readiness and making improvements. OR3 produced a DRAFT Operational Area Emergency Operations Plan (OA EOP) in November 2023 but was subject to state review. OR3 will be bringing the final EOP to the Board for approval in September 2024. OR3 is also working to improve our alert and warning communication capacity with CruzAware and other tools like the NOAA weather radios. OR3 is currently working on a transportation Emergency Support function document with an evacuation annex, scheduled to be completed at the end of 2024.

# Recommendations

**R1.** The Grand Jury recommends that the Office of the Agricultural Commissioner makes known to City of Watsonville officials and various governmental agencies information about advances in agricultural pest control, including less toxic pesticides and alternative methods of pest eradication. This information should be shared by September 30, 2024. (F4, F5)

**HAS BEEN IMPLEMENTED** – summarize what has been done

**HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe

**REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)

**WILL NOT BE IMPLEMENTED** – explain why

**Required response explanation, summary, and timeframe:**

Informing other agencies and/or the public about advances and scientific innovations in agricultural pest control is an area that generally falls within the scope of the University of California, UCANR (UC Agriculture and Natural Resources) and the vast network of UC Cooperative Extension Farm Advisors and researchers working in every county in the state of California. Farm Advisors and extension agents/researchers focus extensively on agricultural pest management advances, alternatives and innovations; speak and publish about their work and findings in these areas; and conduct research and fieldwork on integrated pest management and best practices in pest control for various cropping systems in California. Much of this work is published and/or summarized and widely available online – the UC Statewide Integrated Pest Management Program (<https://ipm.ucanr.edu/>), for example, is an expansive site covering multiple facets and options in pest management for nearly all commercially produced agricultural commodities in the state.

While CAC Offices are aware of advances and alternatives in agricultural pest management, and may correspond or meet with agencies or individuals regarding agricultural practices (see [CA Food & Ag Code §2285](#)), it is not in the Agricultural Commissioners Office’s purview to make recommendations, advocate for any specific pest control material, method or technology, or typically conduct outreach on information that *focuses specifically* on “advances in agricultural pest control, including less toxic pesticides and alternative methods of pest eradication.”

More information would be needed to effectively assess the Agricultural Commissioners Office’s potential role and available resources in “(making) known to City of Watsonville officials and various governmental agencies information about advances in agricultural pest control, including less toxic pesticides and alternative methods of pest eradication” before agreeing to any efforts at implementing such a recommendation. The office will gladly address questions or concerns from any public agency, non-profit, or community member(s) with respect to any program work, including our Pesticide Use Enforcement (PUE) Program activities.

**R2.** The Grand Jury recommends that the Office of the Agricultural Commissioner inform the public about advances in agricultural pest control, particularly to residents in areas commonly exposed to pesticide applications. This should be completed by October 15, 2024. (F4, F5)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

**Required response explanation, summary, and timeframe:**

The response explanation provided above in R1 likewise applies to this recommendation to “inform the public about advances in agricultural pest control.”

Additionally, further information would be needed from the Civil Grand Jury to ascertain what is meant by “*residents in areas commonly exposed to pesticide applications*.” (I.e., How is an “area commonly exposed to pesticide applications” being defined, and based on what available information, data, or other metrics?) One of the central tasks of our office’s PUE Program is to promptly respond to and investigate incidents of pesticide exposure that we are in any manner made aware of. This is a job we take extremely seriously and is central to the Agricultural Commissioner Office’s role as a local agency enforcing state laws and regulations. Due to the robust regulatory framework in place in California governing the application of agricultural pesticides, and enforcement of those regulations on the local level by CAC offices statewide, agricultural pesticide exposure incidents involving residential bystanders are not commonplace occurrences. The protocols and practices for CAC Offices investigating pesticide exposure incidents can be found in the Pesticide Use Enforcement Standards Compendium, Volume #5 – Investigation Procedures ([https://www.cdpr.ca.gov/docs/enforce/compend/vol\\_5/invstprc.htm](https://www.cdpr.ca.gov/docs/enforce/compend/vol_5/invstprc.htm)).

**R3.** The Grand Jury recommends that the Office of the Agricultural Commissioner makes known to City of Watsonville officials and various governmental agencies, information about the “Spray Days Now” notification system being developed by the state DPR. Information should be shared by September 30, 2024. (F1, F2, F3, F5)

**HAS BEEN IMPLEMENTED** – summarize what has been done

**HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe

**REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)

**WILL NOT BE IMPLEMENTED** – explain why

**Required response explanation, summary, and timeframe:**

The Santa Cruz CAC Office was one of only four others in the state that participated in the Statewide Pesticide Notification Pilot Project in 2022 and conducted significant outreach on DPR’s system in development during that time (to the public, in press releases, on the radio, our webpage, neighborhood meetings for the pilot area, etc.). The “Spray Days” notification system and website being created by DPR is a statewide system based on these initial pilot projects, and it is the state that is resourced to disseminate information regarding the system out to communities, the industry, and public agencies.

That said, the Agricultural Commissioner’s office already conducts significant outreach and discussion about this pending notification system and has done so for the past two and a half years. If any local public agencies (i.e., City of Watsonville, others) would like to hear more information directly about this state-implemented system, the Office could likely accommodate to the extent resources allow.

(DPR’s webpage on the notification system is detailed and specific, with up-to-date information added when available, FAQs, and a video walk-through of the system in its current form. All of this can be accessed at [https://www.cdpr.ca.gov/docs/pesticide\\_notification\\_network/](https://www.cdpr.ca.gov/docs/pesticide_notification_network/)).

**R4.** The Grand Jury recommends that the Office of the Agricultural Commissioner communicate information to the public about the “Spray Days Now” notification system being developed by the state DPR, especially in areas impacted by pesticide use. This should be completed by October 15, 2024. (F1, F2, F3, F5)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

**Required response explanation, summary, and timeframe:**

See response explanation for R3 (above).

The Agricultural Commissioner’s Office has posted prominently on our webpage the active link to DPR’s Statewide Pesticide Application Notification System (SprayDays California) information site.



**R7.** The Grand Jury requests an update as to the progress to date of the objectives outlined in the December 2021 After-Action Report in Appendix A: CORE CAPABILITIES / IMPROVEMENT PLAN and further requests that the OR3 publish this update on its website. (F7)

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**HAS BEEN IMPLEMENTED** – summarize what has been done

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**HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe

**-X-**

**REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)

—

**WILL NOT BE IMPLEMENTED** – explain why

**Required response explanation, summary, and timeframe:**

OR3 will review and provide an update on accomplishments towards the After-Action Report by the end of 2024.