

# Pesticide Regulatory Activities Monthly Report Guide

## Introduction

Title 3, California Code of Regulations (3 CCR) section 6392, requires each county to submit a monthly report supporting the administration and enforcement of their pesticide regulatory program.

The Pesticide Regulatory Activities Monthly Report (PRAMR) is used by DPR to record workload for allocation of mill assessment revenues and to keep statistics of work completed for enforcement of the State Pesticide Regulatory Program. Counties quantify monthly work into each of the 13 PRAMR sections (PR-ENF-099). Since July 2017, counties submit monthly PRAMRs to the Department using the California Pesticide Enforcement Activities Tracking System (CalPEATS).

PRAMR is divided into 13 sections that correspond to generalized pesticide use enforcement categories:

- I. Use Monitoring Inspections
- II. Pest Control Records Inspections
- III. Structural Pest Control Inspections
- IV. Restricted Materials
- V. Investigations
- VI. License/Certificate/Registration/I.D. Numbers
- VII. Training and Outreach
- VIII. Compliance Actions
- IX. Enforcement Actions
- XI. Surveillance Hours
- XII. Pesticide/Hazardous Material Spill Hours
- XIII. Use Report Review and Follow-up Hours
- XIV. Other Pesticide Activity Hours

The PRAMR is **not** used to record work completed for any other county operated program such as nursery inspection, vertebrate and weed control, or sales of pesticides.

## PRAMR submission and timeline

3 CCR section 6392 requires county agricultural commissioners (CACs) to submit monthly PRAMRs to DPR no later than 30 days after the end of the reporting month.

County reimbursement is based on work completed over a fiscal year (July-June). Reimbursements are disbursed by April 1 of the following year.

## In what PRAMR month to record hours/activities

Work hours and activities are recorded on PRAMR according to the table below:

Sections	Applicable to:	When to Record on the PRAMR
All	Work Hours	In the month expended
I – III	Complete inspections and Non-compliances from all inspections	In the month completed
IV	Restricted Materials Permits Notices of Intent Annual Total Sites Annual Total Multi-Year Permits	In the month issued In the month reviewed Annually (June) Annually (June)
V	Investigations	In the month completed
VI	License/Certificate Registrations Operator ID Numbers Structural Operator Registrations Private Applicator Exams	In the month registered In the month issued In the month registered In the month taken
VII	Training and Outreach Sessions Persons Attended	In the month conducted In the month attended
VIII-IX	Compliance/Enforcement Actions	In the month closed at the county

### Travel Time.

Time spent traveling to and from pesticide-related activities is reported in the most appropriate section on the PRAMR or in Section XIV B or C, depending on the staff that is traveling. Travel time used for purposes other than pesticide-related activities should not be reported to DPR.

Example: You're traveling to conduct a production agriculture Headquarters/Safety Inspection, a 1.5 hour round trip from your office. While enroute, you stop by a seed company's operation to conduct a certified seed inspection, which takes 30 minutes.

The 1.5 hours of travel time to the site for the Headquarters/Employee Safety Inspection would be included under "Licensed Work Hours" in Section II, "Pest Control Records Inspection." The 30 minutes spent to conduct the certified seed inspection would not be included, since that activity does not fall within a pesticide regulatory program activity.

### Licensed work hours for all sections

DPR disburses a portion of the mill assessment revenues based on the total number of work hours expended on pesticide related activities that are agreed on by the Director and the commissioner provided the work hours are expended by either:

- Persons holding a Pesticide Regulation and/or Investigation and Environmental Monitoring license, or by
- Unlicensed persons qualified to apply for a Pesticide Regulation and/or Investigation and Environmental Monitoring license who are closely supervised by persons holding a Pesticide Regulation and/or Investigation and Environmental Monitoring license [3 CCR section 6393(b)(4)]

## Sections I, II, and III – Inspections

DPR disburses a portion of the mill assessment revenues based on the total number of **complete** pesticide use enforcement program inspections completed in accordance with the prioritization plan agreed upon by the Director, the commissioners, and the commissioner’s negotiated work plans [3 CCR section 6393(b)(1)].

Counties are required to report the numbers of:

- **complete** inspections and
- non-compliances on all inspections including partial, follow-up, unattended tarp/aeration, and other inspections.

The Pesticide Use Enforcement Program Standards Compendium (Compendium), Volume 4, Inspection Procedures Manual, defines “complete”, “partial” and “follow-up” inspections.

### Recording number of hours for inspections

Counties report the total number of licensed work hours according to each inspection type. This includes time expended conducting both complete and partial inspections.

### Section I. Pesticide Use Monitoring Inspections

#### Line A. Pesticide pre-application (Restricted Materials Only), PR-ENF-102

Pesticide pre-application site evaluation inspections are only counted if they are conducted to evaluate a Notice of Intent (NOI) to apply a restricted material. If required by regulation, pre-application site evaluations include a review of the written recommendation.

The number of hours expended for pre-application inspections may include activities such as:

- Permit review
- Recommendation review
- Travel to/from site
- Site Evaluation

Line B: PUMI Application: Property Operator and Pest Control Business, PR-ENF-104

This category applies to property operators and businesses that conduct pest control for hire.

Line C: Field Fumigation Use Monitoring, PR-ENF-106

The “field” category includes all outdoor and greenhouse fumigations where the soil is fumigated in place.

Line D: Commodity Fumigation Use Monitoring, PR-ENF-105

The “commodity” category includes all fumigations where the “enclosed spaces” provisions apply.

Line E: Field Worker Safety, PR-ENF-103

Only field worker safety inspections that are conducted in a “treated field” are reported to DPR. Refer to 3CCR section 6000 for the definition of field and treated field. Inspection of field workers in untreated fields do not count as a field worker safety inspection; in these cases, only report the hours to DPR.

Line F: PUMI Mix/Load: Property Operator and Pest Control Business, PR-ENF-104

This category applies to property operators and businesses that conduct pest control for hire.

Line G: Other

“Other” inspections are those that do not fit into any of the above inspection categories. Examples of “Other” inspections include:

- Rice Herbicide Water Hold inspections
- Applications made by CDFA or other government agencies when the agency employee conducts the application on property not under their control

Total line

Totals for licensed work hours, inspections, and non-compliances for lines A – G.

Section II. Pest Control Records Inspections

This section describes when pest control records inspections, non-compliances, and hours are counted on PRAMR. See Compendium, Volume 4, Inspection Procedures, for information on pest control records inspection criteria.

Line A: Business Records, PR-ENF-110

This category applies to businesses that conduct pest control for hire; structural pest control business records are reported in Section III

Line B: Headquarter/Employee Safety Business, PR-ENF-110

This category applies only to licensed pest control businesses that have employees; structural pest control business headquarter/employee safety inspections are reported in Section III; entities other than pest control businesses fall into the “Other” category.

Line C: Dealer Records/Storage Inspections, PR-ENF-109

This category only applies to records inspections that are conducted on dealers who are actively selling restricted materials or agricultural use pesticides. This includes inspections on dealers who have sold pesticides within the last two years and it has been two years since their last inspection.

If the dealer has not sold restricted materials or agricultural use pesticides within the last two years, report only the hours expended to DPR and do not submit the inspection.

Line D: Pest Control Adviser Records Inspection, PR-ENF-109

This category applies to records inspections that are conducted on pest control advisers registered in the reporting county who are actively writing recommendations. This includes inspections on advisers who were registered within the county and wrote recommendations within the last years, and it has been two years since their last inspection.

If the adviser has not written recommendations within the last two years, do not submit the inspection to DPR and only report hours.

Hours spent reviewing recommendations as part of a pesticide pre-application site inspection are not reported in this section.

Line E: Headquarters/Employee Safety – Production Agriculture, PR-ENF-109

Production agriculture headquarter/employee safety inspections include:

- Employers with employees who handle agricultural and non-agricultural pesticides
- Employers with employees who enter treated fields
- Certified applicators who apply restricted materials for their own use

Line F: Headquarters/Employee Safety – Other, PR-ENF-109

“Other” inspections apply to:

- Employers, other than production agriculture, with employees who handle pesticides
- Certified applicators employed by city/county parks, schools, golf courses, grain processing mills, etc. who apply restricted materials for their own use.

Total line

The total number of licensed work hours, inspections and non-compliances for lines A-F.

**Section III. Structural Pest Control Inspections**

This section describes when structural pest control inspections, non-compliances and hours are counted on PRAMR. This includes Branch I, II, and III inspections. Structural branch I fumigations have three distinct phases: application, aeration and tarp. See Compendium, Volume 4, Inspection Procedures, for more information on structural use monitoring inspections.

Line A: Fumigations, Branch 1, PR-ENF-107

Line B: Applications, Branch 2/3, PR-ENF-108

Line C: Mix/Load, Branch 2/3, PR-ENF-108

Report inspection by type and structural pest control category for Branch 2 and Branch 3 inspections.

Line D: Headquarters/Employee Safety – Business, PR-ENF-110

The headquarters/employee safety inspection category applies only to licensed structural pest control businesses that have employees. This category does not include certified private applicators, agricultural pest control businesses licensed by DPR, and “Others” as defined in Section II.

Line E: Business Records

The business records inspection category applies to businesses that conduct structural pest control for hire, not agricultural pest control businesses licensed by DPR.

Total line

The total number of licensed work hours, inspections and non-compliances for lines A-E.

**Section IV. Restricted Materials**

DPR disburses a portion of the mill assessment revenues based on the total number of restricted materials permits (permits) and permit amendments issued by each county; sites identified on all permits and permit amendments; notices of intent (NOI) reviewed [3 CCR section 6393(b)(7)];

and for the work hours expended by licensed staff. Permits, permit amendments, and NOIs must be evaluated or issued by licensed staff.

Support staff may only perform office management tasks (i.e., date-stamp, organize, file, data entry) for permits and NOIs and complete the "A" portion of a restricted material permit application. Work hours expended by support staff are reported in Section XIV. C. "Support Hours."

### Calculating the number of hours for permit issuance and denials

Time expended for permits issued/denied may include activities such as:

- Initial permit issuance process
- Permit supplements/denials
- Changes to permits based upon NOI review/pre-application inspection
- Travel by licensed CAC staff for permit issuance

### Calculating the number of hours for NOI review

Time expended for NOIs reviewed/denied may include activities such as:

- Collecting and sorting NOIs
- Comparison to pesticide labels
- Comparison to permits
- Selection of potential sites for pre-application inspections

### Lines A & B- A. Agricultural Permits & B. Non-Agricultural Permits

Report to DPR the number of:

- Permits, including new multi-year permits, and permit amendments issued each month. Amendments made to a single permit count as one permit issued regardless of the number or type of changes.
- Documented permit denials. If separate decision-making processes are used for different chemicals, each one is considered a denial. Updating a permit to remove pesticides no longer used by the permittee, or pesticides no longer registered or allowed to be used on specific commodities, is not considered a permit denial.
- "Possession only" permits issued to property operators on a Restricted Material Permit form. Do not report the number of "possession only" permits issued to licensed pest control businesses.

Compendium, Volume 3, Restricted Materials and Permitting, has more information on documentation requirements for permits and denials.

### Line C. Total Number Permits Issued/Denied

The total number of permits issued and permits denied for agricultural and non-agricultural permits (lines A + B).

#### Line D. Notice of Intent (NOI) Reviewed

Counties report the number of hours for NOI review and the total number of restricted agricultural use (production agriculture and non-production agriculture) NOIs issued and denied.

One NOI is equal to one application to one site (location) regardless of the number of pesticides included in a tank mix.

Each monthly NOI received for on-going applications (such as fungicide treatments, vertebrate pest control, spot weed control, landscape maintenance, etc.) should be recorded as one NOI if specific and distinct locations are not identified.

The following NOIs are not reported to DPR:

- NOIs for restricted material applications for non-agricultural use (industrial, institutional, structural, etc.).
- NOIs for non-restricted material applications.

#### Total line

The total number of licensed work hours for lines A, B and D.

#### Line E. Annual Total Sites

CalPEATS calculates Annual Total Sites using a combination of pesticide use report (PUR) and restricted materials permit data. All of the following criteria must be met during the reporting period (July 1 to June 30) for a site to be counted:

- Restricted materials permit was active,
- Site was listed and active on the permit,
- Commodity was listed and active on the site, and
- At least one PUR is entered in CalAgPermits for the permit, site, and commodity.

For example, if an active restricted materials permit lists a site that has two commodities, and both commodities have a PUR in CalAgPermits, this counts as two sites. If only one of the commodities has a PUR, this counts as one site. If neither commodity has a PUR, this counts as zero sites.

This calculation includes PUR for treatment that required a restricted materials permit but did not involve restricted materials.

The calculation **does not count sites only identified on operator identification (OID) forms**. Such sites do not meet the mill apportionment criteria described in 3 CCR section 6393(b)(7).

CalPEATS automatically populates Annual Total Sites and dynamically updates it based on PUR entry. To allow DPR to meet the timeline specified in Title 3, California Code of Regulations section 6391(a), PUR data for the reporting year (July 1-June 30) must be in CalAgPermits by the following December 31 to ensure an accurate count of the number of sites.



Report the CalPEATS calculation of Annual Total Sites to DPR.

#### Line F. Annual Total Multi-Year Restricted Material Permits

The total number of multi-year restricted material permits is reported annually on the June report, not monthly. This total includes all multi-year permits from the two previous fiscal years as long as the permit was active within the current fiscal year.

This total does not include new multi-year restricted material permits issued in the current fiscal year. These new permits should be included in lines A and B. This total also doesn't include operator identification issuances. These are captured in Section VI Line E.

### **Section V. Investigations**

DPR disburses a portion of the mill assessment based on the number of hours expended on pesticide-related activities agreed upon by the Director and the commissioner that are conducted by licensed staff [3CCR section 6393(b)(4)].

Total investigations include routine and priority investigations. Report the total number of investigations completed in each category under the column, "Total Investigations."

#### Counting Investigations

Routine investigations are those that do NOT meet priority effects criteria established by DPR, the California Agricultural Commissioners and Sealers Association (CACASA) and U.S. Environmental Protection Agency (U.S. EPA).

Priority investigations are those assigned a priority case number by DPR because they meet one or more of the priority investigation effects criteria established through the cooperative agreement between DPR, CACASA and U.S. EPA.

If multiple people are involved in an episode, each person does not count as a priority investigation (i.e. a pesticide episode involving ten persons is counted as one priority investigation).

A priority investigation with multiple effects (such as human, environmental effects and economic loss) is reported as one priority investigation. Record the investigation on the line that best reflects the most obvious effect.

Example: You report ten completed investigations under the "Total Investigations" column for "Human Effects – Agricultural." Of this total, eight routine and two priority investigations were completed. The two priority investigations are reported in the second column under "Priorities."

### Line A. Human Effects

Human effects investigations involve human illnesses, injuries, and exposures to pesticides. Examples include doctors' reports of occupational or non- occupational illnesses or injuries, and complaints from employees, field workers, and citizens alleging exposure or illness from pesticide drift or residue.

Investigations should be recorded in the appropriate “Human Effects” category: agricultural, anti-microbial, structural, or other. “Human Effects-Other” includes episodes involving maintenance gardeners and persons in industrial/institutional settings exposed to pesticides other than anti-microbial pesticides.

### Line B. Environmental Effects

Environmental effects investigations involve pesticide contamination, symptoms, or damage to the environment. Examples include air or land contamination, wildlife losses, pesticide-related fires, spills, and subsequent evacuations of surrounding areas. Human illnesses resulting from an environmental effect are not reported in this category; they should be reported in the appropriate category under “Human Effects.”

### Line C. Property Loss Damage

Property loss damage investigations include those where property is lost or damaged due to pesticide mishandling, non-performance, or phytotoxicity. Examples include bee kills, illegal residues on crops, crop yield losses, and residential landscape damage.

### Line D. Other

Special incidents such as episodes within Oregon, Nevada, Arizona, or tribal land that have effects in California, incidents involving endangered species and pest control equipment accidents that occur while handling pesticides are identified as “Other.”

### Total line

The total licensed works hours for all investigations and priorities in lines A - D.

## **Section VI. License/Certificate Registration/I.D. Numbers**

DPR disburses mill assessment revenues for the total number of licensed pest control dealers in each county; licensed pest control advisers, pest control businesses, pest control aircraft pilots, farm labor contractors and structural pest control operators registered in each county; active operator identification numbers in each county; any additional similar workload activities approved jointly by the Director and the commissioners and; the total number of private applicator certificate holders certified in each county [3 CCR sections 6393(b)(2) and (3)].

For all categories, this includes both “in-person” and “mail-in” registrations.

#### Line A. Agricultural Pest Control Business

Includes agricultural pest control, maintenance gardener pest control, and fee-exempt pest control businesses. This **does not** include structural pest control businesses.

This category **does not** include the number of qualified applicator certificate holders (QACs) or qualified applicator licensees (QALs) designated as the responsible person for each business location.

#### Line B. Agricultural Pest Control Adviser

The number of agricultural pest control advisers registered in the county.

#### Line C. Pest Control Aircraft Pilot

The number of pest control aircraft pilots (includes apprentice and journeymen pest control pilots) registered in the county.

#### Line D. Farm Labor Contractor

The number of farm labor contractors registered in the county.

#### Line E. Operator Identification Numbers

This category includes the total number of new operator identification (OP ID) numbers issued for non-restricted pesticide use each month, including new multi-year OP IDs.

This category also includes the total number of county valid multi-year OP IDs issued prior to the beginning of the current fiscal year. This number is added to the number of new operator OP IDs issued in June.

This category **does not** include “multi-year” restricted material permits. These are captured in Line F of Section IV.

#### Line F. Structural Operator Registrations

The number of structural pest control businesses registered in the county.

#### Line G. Private Applicators

Only new and renewal certifications issued in the reporting month are reported to DPR. Since private applicator certifications are valid for three years, for mill assessment purposes, DPR will add the two previous fiscal year totals to the current total for a grand total of all valid private

applicator certifications in each county. This category does not include persons who have been “qualified” to train pesticide handler or field worker employees.

Line 1. Private Applicators - Re-certified (Continuing Education Hours)

Certified private applicators may apply to renew their certification (re-certify) after they obtain six hours of continuing education during the valid period of their certificate. They may submit their completed application (PR-PML-045) with proof of completing the continuing education hours no sooner than 120 days prior to, and no later than 90 days after, the certificate expiration date. To be included in this category, documentation of continuing education hours must be provided to and approved by the CAC.

Line 2. Private Applicators - Re-certified (Examination)

Certified private applicators may renew their certification (re-certify) by passing the private applicator re-certification examination. They may submit their completed application (PR-PML-045) no sooner than 120 days prior to and no later than 90 days after the certificate expiration date. Report the number re-certified and total number of exams given in a month.

Line 3. Private Applicator - Certified - New

Individuals passing the private applicator examination for the first time are recorded as new certifications. Individuals who fail to renew their private applicator certification within 90 days of the date of expiration must take the private applicator examination (not the re-certification examination). In these cases, the individuals count as new certifications.

Line 4. Private Applicator - Failed Examination

This category includes the number of failed exam(s) in the month the exam(s) was given. An individual could take and fail an examination more than once in a reporting month.

Total line

The total number of licensed work hours and the total number of licenses/certificates registered/OP ID numbers issued from lines A – G.

## **Section VII. Training and Outreach**

Pesticide regulatory training and outreach activities are provided to licensees, grower/operators, the general public, industry organizations and persons or groups such as government agencies (other than county use enforcement staff). The content of the training must be related to pesticide regulatory requirements.

All work hours expended on training and outreach activities, including preparation and travel time are reported in the month the hours are expended.

The total number of sessions conducted and the total number of persons in attendance for each criteria type (A through D) are reported in the month the sessions occurred. This does not include routine "roundtable" discussions, inspections, meetings, committees, media interviews, or training of county use enforcement staff.

The number of hours associated with formal training sessions solely conducted for county pesticide regulatory staff is reported in Section XIV B. - Other Licensed Enforcement Hours.

#### Line A. Licensees

Includes pesticide regulatory training provided to licensees (dealers, advisers, pilots, and employees of licensed pest control businesses).

#### Line B. Grower/Operators

Includes pesticide regulatory training provided to growers, property operators, or their employees. Examples include employee safety training requirements, the restricted material permit system, or pesticide use reporting and record keeping.

#### C. Public Education

Includes training provided to the general public and academic institutions about aspects of the pesticide regulatory program.

#### D. Other

Includes training provided to persons or groups not specified above, such as government agencies (other than county use enforcement staff) and industry organizations.

#### Total line

The total number of licensed work hours, training/outreach sessions, and attendees for lines A–D.

## **Section VIII. Compliance Actions**

Compliance actions notify a person or business that a violation(s) of pesticide laws or regulations has occurred. A compliance action provides a written record that a violation(s) occurred and is not, by itself, an administrative enforcement action. A compliance action is any of the following:

- Warning letter

- Violation notice
- Inspection form or Violation Notice (PR-ENF-101)
- Cease and Desist Order
- Documented compliance interview.

The total number of each type of compliance action is reported in the month it is closed.

#### Line A. Warning Letters/Violation Notices

##### Warning Letters

Warning letters are written on county letterhead or on a form to notify a responsible person or business that non-compliances were observed, typically while the county was conducting an inspection or investigation. The letter documents that further action may be initiated if compliance is not obtained. Inspection reports with "Warning" or similar wording written across the face page cannot be counted as warning letters.

To be considered complete, a warning letter must include the violator's name, date of incident, and all appropriate law/regulation sections violated.

##### Violation Notice

A violation notice is a record that a violation occurred and may be either:

- 1) An inspection form with a violation notice box checked "Yes" and either a county-issued number or the serial number of the inspection form written on the line provided. Some inspection forms have two violation notice boxes, one for the business and the other for the individual. Each is counted separately, if completed as directed in the above paragraph.
- 2) A Violation Notice form (PR-ENF-101)  
To be considered complete, the violation notice must have all header and general information filled in, all applicable law/regulation sections identified, provide a violation narrative, and contain the violator's and inspector's printed name and signature.

#### Line B. Cease and Desist Orders

The cease and desist order is a type of immediate corrective action that serves as a directive to stop hazardous or potentially harmful activities. A cease and desist order may be issued by means of one of the following:

- 1) An inspection form with the cease and desist box checked "Yes" and an explanation providing the reason for issuing and the conditions for resuming activities in the remarks section of the inspection form.

2) A Violation Notice form (PR-ENF-101) with the Cease and Desist Order box checked to indicate the form is being used as a cease and desist order, not as a violation notice. PR-ENF-101 must be completed as explained in Section VIII, Part A, with an explanation providing the reason for issuing and the conditions for resuming activities in the remarks section of the inspection form.

3) A cease and desist order written on county letterhead with an explanation providing the reason for issuing and the conditions for resuming activities in the narrative section with the violator's and inspector's printed name and signature.

A cease and desist order cannot be counted as a violation notice.

### Line C. Documented Compliance Interviews

A documented compliance interview is an information-gathering office interview conducted to evaluate and question the responsible person(s) about non-compliances found during investigations or inspections. The documented compliance interview, alone, is not an administrative or enforcement action.

Documented compliance interviews are written on county letterhead or on a county form to provide a summary of the interview.

A documented compliance interview must include the date, time, location, parties present, activity which precipitated the interview, non-compliance or violation, and proposed corrective actions. The summary of the interview is typically mailed to the parties that were present.

The number of compliance interviews is reported in the month it is closed by the county.

### Total line

The total licensed work hours and compliance actions for lines A-C. This total includes hours associated with the preparation of decision reports.

## **Section IX. Enforcement Actions**

Enforcement actions are procedures taken as a result of violations found during inspections, observations, or investigations. All reported enforcement actions must be substantiated with retrievable documentation to verify each action taken.

The number of enforcement actions is reported by the following categories: A-Administrative Actions, B-Judicial Actions, and C-Referrals to DPR.

Enforcement actions are reported to DPR in the month the enforcement action is completed by the county.

## Line A. Administrative Actions

Administrative actions (suspension, revocation, refusal, civil penalties) require due process procedures. The person who is the subject of an administrative action may either agree to the action or appeal for a hearing. Administrative actions that are appealed for a hearing are not completed until the commissioner conducts a hearing and/or issues a written decision.

Completed administrative actions are reported under one of the following subcategories:

### Line 1. Restricted Materials Permit

Action against a permit includes refusal, suspension, or revocation of one or all materials listed on the permit. Pesticide product cancellation or suspension actions initiated by U.S. EPA or DPR are not permit actions.

### Line 2. Private Applicator Certifications

Action against a private applicator certification to apply restricted materials includes suspension, refusal, or revocation of the certification.

### Line 3. County Registrations

Action against a licensee's county registration includes refusal, revocation, or suspension.

### Line 4. Structural Civil Penalties

Structural civil penalties are fines levied by commissioners against structural pest control operators in accordance with established procedures and penalty guidelines found in Business and Professions Code (B&P Code) section 8617, 16 CCR section 1922, and Food and Agricultural Code (FAC) section 12999.5.

### Line 5. Agricultural Civil Penalties

Agricultural civil penalties are fines levied by commissioners against pest control businesses, licensees, certificate holders, and other pesticide users in accordance with established procedures and penalty guidelines in FAC section 12999.5 and 3 CCR section 6130. This category excludes cases of violation(s) of the B&P Code or 16 CCR by structural pest control businesses or individuals registered/licensed by the Structural Pest Control Board.

## Line B. Judicial Actions (Lines 1 - 4)

Judicial actions are enforcement actions initiated by the commissioner in which the guilt or innocence of the respondent is decided in the courts.

Judicial actions are reported under one of the following subcategories:



#### Line 1. Notice to Appear (Citations)

Notices to appear are direct citations issued to an individual or responsible party as notification of infraction or misdemeanor violation. Citations are reported in the month they are issued and should not be counted twice (i.e., in the month issued and also the month of final disposition).

#### Line 2. Cases Submitted to District Attorney

Investigative cases prepared by the county for possible action by the District Attorney (DA) are reported according to the month they are submitted to the DA. Cases submitted to the DA are not considered filed. See lines 3 and 4 for filed cases.

#### Line 3. Civil Complaints Filed

When the DA accepts an investigation for civil prosecution and files formal charges and an accusation, the case is filed. Civil actions filed by the State Attorney General are not reported to DPR.

#### Line 4. Criminal Complaints Filed

If the DA accepts an investigation for criminal prosecution and files a complaint against the respondent, the case is filed. The number of criminal complaints filed is reported when the final decision is rendered, not when the case is filed.

### C. Referrals to DPR

Any enforcement action referred to DPR must meet the criteria in “Referring Cases to DPR for State Action” (Enforcement Letter ENF 09-18).

#### Total line

The total licensed work hours and number of enforcement actions for lines A – C.

This includes hours associated with case preparation, including making a copy of the case file for the respondent, hearings, appeals and final orders.

## **Section XI – XIII. Specific Type of Hours**

DPR disburses mill assessment revenues for the work hours expended on the following pesticide-related activities by licensed staff and other staff [3 CCR section 6393(b)(4)]: surveillance, pesticide/hazardous material spill incidents and use report review and follow-up hours.

## **Section XI. Surveillance Hours**

Surveillance hours include monitoring for applications of pesticides or for unattended pesticides, surveillance checks for citrus/bee protection requirements, water-holding surveillance of rice herbicides that are not credited with site inspections, and structural application surveillance.

## **Section XII. Pesticide/Hazardous Material Spill Hours**

Pesticide/Hazardous Material Spill hours include time spent containing, identifying, and/or coordinating activities related to the spill incident.

## **Section XIII. Use Report Review and Follow-Up Hours**

Use report review hours include:

- Reviewing pesticide use reports (PURs) for accuracy and completeness
- Reviewing PURs returned from DPR for correction.
- Follow-up of pesticide applicators required to, but failing to report pesticide use.

## **Section XIV. Total Pesticide Activity Hours**

DPR disburses mill assessment revenues for the work hours expended on pesticide-related activities that are agreed upon by the Director and the commissioners, provided the work hours are expended by licensed staff [3CCR sections 6393(b)(4)].

Sections I - XIII represent specific pesticide-related activities for which the work hours are reported and totaled in Section XIV, Part A.

Pesticide-related licensed work hours, other than those reported in Part A, must be reported in either:

- Section XIV. B. Other Licensed Enforcement Hours or
- Section XIV. C. Support Hours

### Line A. Licensed Hours Expended for Sections I - XIII

The total hours reported in Sections I – XIII.

### Line B. Other Licensed Enforcement Hours

This section includes licensed hours expended on pesticide-related regulatory activities other than those reported in Sections I-XIII. Examples include: certifying triple-rinsed containers,

attending pesticide deputy meetings, preparation and attendance at formal county-sponsored pesticide regulatory training for county employees, pesticide program evaluation, preparing county/enforcement work plans, etc. This section does not include hours expended on programs such as county-operated programs for vertebrate and weed control or sales of pesticides.

#### Reportable hours for management

Supervisors, managers, or commissioners may:

- Track the actual hours spent on conducting pesticide regulatory activities and report them in the appropriate section of the PRAMR;
- Calculate hours worked in the Pesticide Regulatory Program using the formula shown below in Example 1 and report these hours in Section XIV.B. Other Licensed Enforcement Hours; or
- Use a combination of both reporting methods as shown in Example 2.

Example 1: The annual financial report shows that staff used 25 percent of county staff hours on expenditures for pesticide regulatory activities. To calculate the supervisor's, manager's, or commissioner's licensed work hours, multiply  $0.25 \times 168$  hours (total hours in the work month) and report 42 hours in Section XIV.B. Other Licensed Enforcement Hours.

Example 2: A manager issued two permits, which took six hours, and wanted to report both the actual hours expended in addition to the formula-calculated hours. The annual financial report shows that staff use 25 percent of county staff hours on expenditures for the pesticide regulatory activities. Use the following calculation: Subtract 6 hours from the total hours in the work month:

$168 \text{ hours} - 6 \text{ hours} = 162 \text{ hours};$

$\text{Multiply } 0.25 \times 162 \text{ hours (the adjusted work month)} = 40.5;$

Report 40.5 hours in Section XIV B., Other Licensed Enforcement Hours and 6 hours in Section IV, Restricted Materials

Other licensed work hours that **may** be reported on the PRAMR include activities such as:

- Label review and research
- Responding to general pesticide use questions
- Responding to questions about pesticide labels
- Meetings related to pesticide regulatory program activities

Other licensed work hours that may not be reported on the PRAMR include activities such as:

- Proctoring structural pest control examinations
- Data entry for pesticide use reporting
- Computer activity not related to pesticide regulatory program activities

#### Line C. Support Hours

This section includes hours expended on pesticide-related activities by non-licensed clerical and support staff and staff not qualified to apply for the licenses.

Support hours include hours expended by licensed and non-licensed staff on activities not included in the pesticide regulatory program by agreement of the Director and commissioners. Examples include date stamping use permits or processing registrations.

Total line

The total number of licensed hours (lines A + B) and support hours (line C).