

TEXT OF FINAL REGULATIONS

Current wording is indicated by regular type.
Deletions are indicated by ~~strikeout~~.
Additions are indicated by underline.

TITLE 3. CALIFORNIA CODE OF REGULATIONS
DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS
CHAPTER 1. PESTICIDE REGULATORY PROGRAM
SUBCHAPTER 3. AGRICULTURAL COMMISSIONER PENALTIES
ARTICLE 1. GUIDELINES

Amend section 6130 to read:

6130. Civil Penalty Actions by Commissioners.

(a) When taking civil penalty action on incidents or violations related to agricultural or structural use of pesticides and all uses of fumigants pursuant to section 12999.5 of the Food and Agricultural Code, county agricultural commissioners shall use the provisions of this section to determine the violation class and the fine amount. This section may also be used to determine the violation class and fine amount for violations involving other uses of pesticides.

(b) County agricultural commissioners shall designate violations as "Class A," "Class B," or "Class C" using the following definitions:

(1) A Class A violation is one of the following:

(A) A violation that caused a health, property, or environmental hazard.

(B) A violation of a law or regulation that mitigates the risk of adverse health, property, or environmental effects, and the commissioner determines that one of the following aggravating circumstances support elevation to Class A.

1. The respondent has a history of violations;

2. The respondent failed to cooperate in the investigation of the incident or allow a lawful inspection; or,

3. The respondent demonstrated a disregard for specific hazards of the pesticide used;

(C) A violation of a lawful order of the commissioner issued pursuant to sections 11737, 11737.5, 11896, 11897, or 13102 of the Food and Agricultural Code.

(2) A Class B violation is a violation of a law or regulation that mitigates the risk of adverse health, property, or environmental effects that is not designated as Class A.

(3) A Class C violation is a violation of a law or regulation that does not mitigate the risk of an adverse health, property, or environmental effect, including, but not limited to, Title 3, California Code of Regulations, sections 6624 through 6628, and Food and Agricultural Code section 11732, 11733, and 11761.

(c) The fine range for each class of violation is:

(1) Class A: \$700 to \$15,000.

(2) Class B: \$250 to \$13,000.

(3) Class C: \$50 to \$400.

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NOTE: Authority cited: Sections 12781, 12976 and 15203, Food and Agricultural Code.

Reference: Sections 11892, 12973, 12997, 12999.5 and 15202, Food and Agricultural Code; and Section 8617, Business and Professions Code.