

SUMMARY AND RESPONSE TO COMMENTS RECEIVED
DURING THE 5-DAY COMMENT PERIOD

The Department of Pesticide Regulation (DPR) received twelve comment letters in response to its proposal to increase the licensing and certification fees. The comment letters were received from:

- Cody Teixeira
- Enrico Ferro
- Gary Machado
- Kevin Sorensen
- Scott Sutfin
- David Bakke
- Ruth Ellis
- Javier Flores
- Troy Arnett
- Dean Shiroyama
- Charles Starr
- Coalition of industry stakeholders

DPR would like to thank stakeholders for participating in this process and providing feedback. Below is a summary of DPR's responses to individual comments regarding topics raised in these comment letters.

Comment #1: Timing and Amount of Fee Increase

DPR received multiple comments around the amount of the fee increase and the timing of the increase to fees. Commenters state that the increase in fees is too large and that the timing is too soon. They would like the fees to be phased in over time.

***Response:** California Food and Agricultural Code section 11502.5 requires the Director to set fees for the Licensing and Certification Program, including fees for license and certificate examinations, applications, and renewals, at an amount that the revenue generated sufficiently supports the cost of the program. As described in the Finding of Emergency, since 2019 the revenue generated by existing licensing and certification fee rates have not supported the expenditures of the Licensing and Certification Program. Additionally, as noted in the Finding of Emergency, the General Fund bridge for fiscal years 2022-23 and 2023-24 that provided support for ongoing expenditures is no longer available. As a result, these fee increases will generate revenue needed to support those ongoing expenditures moving forward. DPR understands the budgeting concerns raised by commenters but, because it must set fees at a level that supports the program, it is not able to delay or gradually phase in implementation of the fee increases. The current fees do not support the current costs to maintain the Licensing and Certification Program, therefore DPR is raising fees to support the program based on current and projected program costs and submitted licensing and certification applications.*

Comment #2: Suggestions on Improvements to the Licensing and Certification Program

DPR received several comments that there are no added Licensing and Certification Program services as a result of the fee increase, specifically implementing an electronic or online licensing and renewal process, or accountability metrics.

***Response:** As indicated in the Finding of Emergency, rising program costs were due to both expenditure increases due to changes in employee compensation affecting all state workers and authorized staffing and service program improvements. Starting in fiscal year 2020-21, DPR began offering computer-based licensing exams, and continues to offer this service. Computer-based exams allowed DPR to greatly expanded the ability to offer exams Monday-Friday throughout the state. In 2022, the Licensing and Certification Program was authorized by the legislature to hire additional positions to support new work created by updates to the licensing and certification standards, to continue offering electronic exams, and to develop study materials and examinations in non-English languages. Finally, the recently approved 2024-25 budget supports further application program improvements.*

Comment #3: Notification of the Emergency Rulemaking Action

DPR received one comment about late notification of the emergency rulemaking action.

***Response:** On May 2, 2024, DPR held a virtual public workshop on the proposed licensing and certification fee increase and announced a target effective date of August 2024. On July 15, 2024, at least five working days before submitting the emergency regulation to the Office of Administrative Law, DPR mailed and e-mailed the Notice of Proposed Emergency Action, along with the finding of emergency and proposed text of regulations, to every person who has filed a request for regulatory action with DPR. This mailing was in compliance with Government Code section 11346.1(a)(2). DPR also made these documents available on its website on July 15, 2024. If you would like to sign-up to receive notices of proposed regulatory action from DPR by e-mail, you may sign-up at <https://www.cdpr.ca.gov/docs/dept/listserv/listdesc.htm>.*

Comment #4: Three-year Phase in of Licensing and Certification Fee Increase

DPR received one comment about changing fees every year for the next three years.

***Response:** The proposed fee rates are based on the forecasted budget expenditures for fiscal year 2026-27 and are projected to remain stable over time. As described in the Finding of Emergency, projected expenditures in fiscal year 2024-25 are slightly less than the 2026-27 base year and projected expenditures in fiscal year 2025-26 are slightly more than the 2026-27 base year. The renewal period for licenses and certificates is once every two years, and approximately half of the license and certificate holders renew each year based on the applicant's last name. Basing the fees on the fiscal year 2026-27 projection results in all license holders paying the same rate without disproportionately assessing fees against half of the license holders to support services used by everyone.*