

FINAL STATEMENT OF REASONS AND PUBLIC REPORT
DEPARTMENT OF PESTICIDE REGULATION

Title 3. California Code of Regulations
Amend Section 6130
Pertaining to the Civil Penalty Actions by Commissioners

UPDATE OF THE INITIAL STATEMENT OF REASONS

As authorized by Government Code section 11346.9(d), the Department of Pesticide Regulation (DPR) incorporates by reference the Initial Statement of Reasons prepared for this rulemaking. No changes were made to the proposed regulations nor are any changes necessary to the Initial Statement of Reasons following the public comment period.

The proposed regulatory action was noticed in the *California Regulatory Notice Register* on October 6, 2023. During the public comment period, DPR did not receive comments on the proposed text.

DPR has amended Title 3, California Code of Regulations section 6130. The pesticide regulatory program activities affected by this regulatory action are those pertaining to pesticide use enforcement. In summary, this action will increase the fine range for administrative civil penalties levied by CACs from a maximum of \$5,000 to a maximum of \$15,000 for Class A violations of pesticide use law (subdivision (c)(1)) and from a maximum of \$1,000 to a maximum of \$3,000 for Class B violations of pesticide use law (subdivision (c)(2)). These changes are necessary to conform the existing regulations to certain statutory changes made in Assembly Bill 211 (AB 211) (Stats.2022, ch. 574). The purpose of AB 211 is to improve deterrence of illegal pesticide use and strengthen the statewide pesticide use compliance and enforcement program. AB 211 was enacted by the Legislature and has been effective since September 27, 2022.

UPDATE TO THE FISCAL EFFECT ON LOCAL GOVERNMENT

In the Fiscal Effect on Local Government section of the Economic and Fiscal Impact Statement (Form 399), the additional revenue estimated to be collected for a Class B violation was miscalculated as \$1,490. The actual estimated additional revenue is calculated to be \$710 for each Class B violation. However, there is a lot of uncertainty on how current fine level practices for Class B violations will change over time. Additionally, the deterrent effects of higher penalties for violations may change the violation rates over time.

UPDATE TO THE ESTIMATED COSTS

In the Estimated Costs section of the Economic and Fiscal Impact Statement (Form 399), the additional cost estimated for a Class B violation to a typical business was miscalculated as \$1,490. The actual additional cost is calculated to be \$710 for each Class B violation. However, because CACs have discretion in determining the specific fine value, there is a lot of uncertainty

on how current fine level practices for Class B violations will change over time. Also, the deterrent effects of higher penalties for violations may change the violation rates over time.

PUBLIC HEARING

No public hearing was scheduled or held, and none was requested.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE COMMENT PERIOD

No comments received.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the regulatory action does not impose a mandate on local agencies or school districts.

ALTERNATIVES DETERMINATION

The Director has determined that no alternative considered by DPR would be more effective in carrying out the purpose for which these regulations are proposed, or would be as effective and less burdensome to affected private persons or businesses than the adopted regulations, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of the law. This action will increase the fine range for administrative civil penalties levied by CACs, aligning existing regulations with current law.

POSTING REQUIREMENT

3 CCR section 6110, states in part that, “The public report shall be posted on the official bulletin board of the Department for 45 days.” DPR has posted its Initial Statement of Reasons and Public Report on its official bulletin board, which consists of the Department's Internet Home Page <<http://www.cdpr.ca.gov>>.