

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME Pesticide Regulation	CONTACT PERSON Jeannie Alloway	EMAIL ADDRESS Jeannie.Alloway@cdpr.ca.gov	TELEPHONE NUMBER 916-324-2666
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Statewide Notification of Agricultural Use of Restricted Materials			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|--|---|
| <input checked="" type="checkbox"/> a. Impacts business and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input checked="" type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input type="checkbox"/> c. Impacts jobs or occupations | <input type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input type="checkbox"/> h. None of the above (Explain below): |

***If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.***

2. The Department of Pesticide Regulation estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)

- Below \$10 million
 Between \$10 and \$25 million
 Between \$25 and \$50 million
 Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: 2359

Describe the types of businesses (Include nonprofits): Farms and other operations submitting agricultural use notices of intent

Enter the number or percentage of total businesses impacted that are small businesses: 99%

4. Enter the number of businesses that will be created: 0 eliminated: 0

Explain: No businesses are expected to be created or eliminated due to these proposed changes.

5. Indicate the geographic extent of impacts: Statewide
 Local or regional (List areas): _____

6. Enter the number of jobs created: 0 and eliminated: 0

Describe the types of jobs or occupations impacted: N/A

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? YES NO

If YES, explain briefly: _____

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ECONOMIC IMPACT STATEMENT (CONTINUED)**B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ 7,290,487a. Initial costs for a small business: \$ 1052.85 Annual ongoing costs: \$ 840 Years: 5b. Initial costs for a typical business: \$ 642.50 Annual ongoing costs: \$ 0 Years: 5c. Initial costs for an individual: \$ N/A Annual ongoing costs: \$ N/A Years: N/Ad. Describe other economic costs that may occur: N/A2. If multiple industries are impacted, enter the share of total costs for each industry: Agriculture: >99%, Other permittees (e.g., golf courses, cemeteries): <1%

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements.

Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted. \$ N/A4. Will this regulation directly impact housing costs? YES NO

If YES, enter the annual dollar cost per housing unit: \$ _____

Number of units: _____

5. Are there comparable Federal regulations? YES NOExplain the need for State regulation given the existence or absence of Federal regulations: See attached

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: The statewide notification system will provide equitable and routine access to information about nearby agricultural applications of restricted materials prior to the application occurring. Requiring electronic NOI submission may reduce use of paper and increase CAC staff efficiency.2. Are the benefits the result of: specific statutory requirements, or goals developed by the agency based on broad statutory authority?Explain: DPR has broad authority to adopt regulations on the use of restricted materials.3. What are the total statewide benefits from this regulation over its lifetime? \$ Not quantified4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: See attachment**D. ALTERNATIVES TO THE REGULATION** *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: See attachment

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ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ not quantified Cost: \$ 7,290,487

Alternative 1: Benefit: \$ not quantified Cost: \$ _____

Alternative 2: Benefit: \$ not quantified Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: None

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? YES NO

Explain: Options for performance standards were considered. However, to facilitate development of a statewide notification system performance standards were not seen as a viable option to ensure specific information was provided to the public.

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.*

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million? YES NO

*If YES, complete E2. and E3
If NO, skip to E4*

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

YES NO

If YES, agencies are required to submit a [Standardized Regulatory Impact Assessment \(SRIA\)](#) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

The increase or decrease of investment in the State: None expected

The incentive for innovation in products, materials or processes: None expected

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

The statewide notification system may have indirect benefits to human health and the environment

**ECONOMIC AND FISCAL IMPACT STATEMENT
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FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

a. Funding provided in _____

Budget Act of _____ or Chapter _____, Statutes of _____

b. Funding will be requested in the Governor's Budget Act of _____

Fiscal Year: _____

2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

a. Implements the Federal mandate contained in _____

b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

3. Annual Savings. (approximate)

\$ _____

4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

5. No fiscal impact exists. This regulation does not affect any local entity or program.

6. Other. Explain [See attached](#)

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FISCAL IMPACT STATEMENT (CONTINUED)

B. FISCAL EFFECT ON STATE GOVERNMENT *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ 3,259,772

It is anticipated that State agencies will:

a. Absorb these additional costs within their existing budgets and resources.

b. Increase the currently authorized budget level for the 2025-2026 Fiscal Year

2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any State agency or program.

4. Other. Explain _____

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

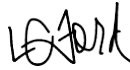
2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

4. Other. Explain _____

FISCAL OFFICER SIGNATURE




Leslie Ford (Oct 17, 2023 16:19 PDT)

DATE

Oct 17, 2023

The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY


Eric Jarvis (Oct 18, 2023 16:10 PDT)

DATE

10/18/2023

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE



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Attachment to Std. 399
Statewide Notification of Agricultural Use of Restricted Materials

The following estimates are based on calculations from the memorandum *Economic & Fiscal Analysis of Amending 3 CCR Sections 6000 (Definitions), 6424 (Forms), 6428 (Agricultural Permit Applications), 6432 (Permit Evaluation), and 6434 (Notice of Intent)* dated October 2, 2023. This memorandum is listed as a document relied upon in the Initial Statement of Reasons.

ECONOMIC IMPACT STATEMENT

A. ESTIMATED PRIVATE SECTOR COST IMPACTS

A.3. Enter the total number of businesses impacted: The total number of businesses impacted by the proposed regulations is 2,359. These are businesses who are required to submit notices of intent (NOIs) to their local County Agricultural Commissioner's (CAC's) office, not currently doing so via electronic means, and may not meet the proposed undue hardship standard. This number consists of 1,647 growers with permits producing an agricultural commodity, 685 other businesses who obtain agricultural use restricted material permits to treat areas such as golf courses, cemeteries, rights-of-ways (e.g., highway medians, canals, railroad shoulders) on property they control, and 27 agricultural use "job permit" holders who will now be required to submit an NOI for each of their restricted material applications.

Enter the number or percentage of total businesses impacted that are small businesses: DPR estimates that 99 percent of the businesses impacted are small businesses, as defined in Government Code sections 11346.3(b)(4)(B) and 11342.610. This determination is based on information provided in the United States Department of Agriculture's 2017 Census of Agriculture (https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1_Chapter_1_State_Level/California/cav1.pdf) and the Department of Pesticide Regulation's licensing database.

B. ESTIMATED COSTS

B.1.a. Initial/annual costs for a small business: DPR conservatively estimates 1,647 growers will need to purchase a laptop or computer to access the internet (approximately \$200) and will need to sign up for internet service (estimated to be \$70 per month, or \$840 per year). In addition, these growers will spend an estimated 30 minutes learning the electronic NOI submission system for a cost of \$12.85 per 30 minutes. There is no additional cost on a per NOI basis, as the time to prepare and submit an NOI electronically is equivalent to the time spent submitting NOIs via other methods. The total first year cost for these businesses is \$1,052.85. The annual ongoing cost will be the internet service at \$840/per year. For growers with annual or multi-year agricultural use permits, the statewide total lifetime cost of the regulation is estimated to be \$7,267,694.

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Statewide Notification of Agricultural Use of Restricted Materials

For the 685 other agricultural use annual and multi-year permittees, DPR estimates the costs incurred will be spending an estimated 30 minutes learning the electronic NOI submission system for a cost of \$12.85 per 30 minutes. The statewide total lifetime cost is estimated to be \$8,802.

DPR conservatively estimates that three of the 27 agricultural use job permit holders will need to purchase a laptop or computer to access the internet (approximately \$200) and will need to sign up for internet service (estimated to be \$70 per month, or \$840 per year). In addition, all 27 job permit holders will spend an estimated 30 minutes learning the electronic NOI submission system for a cost of \$12.85 per 30 minutes. For the 27 job permit holders, the impact of also submitting an NOI to facilitate the statewide notification system is estimated to be \$174. The total first year cost for these businesses is \$1,059.28. The annual ongoing cost will be the internet service at \$840/per year. For the 27 agricultural use job permit holders, the statewide total lifetime cost of the regulation is estimated to be \$13,721.

B.1.b. Initial/annual costs for a typical business: DPR estimates there are less than 25 agricultural use permittees affected by this proposed regulation who are not “small businesses”. These include golf course management companies licensed by the Department as Pest Control Businesses, utilities, water companies, power transmission companies, and pipelines. These permittees will need to spend an estimated 30 minutes learning the electronic NOI submission system for a cost of \$12.85 per 30 minutes. There is no additional cost on a per NOI basis, as the time to prepare and submit an NOI electronically is equivalent to the time spent submitting NOIs via other methods. For these estimated 25 typical businesses, the statewide total lifetime cost of the regulation is estimated to be \$321.

B.5. Explain the need for State regulation given the existence or absence of Federal regulations: There is no equivalent to California’s restricted material permit and NOI submission process under federal pesticide laws and regulations. The classification of certain pesticides as California restricted materials predates the concept of U.S. EPA classifying some pesticides as Restricted Use Pesticides (RUPs) under federal law (the Federal Insecticide, Fungicide, and Rodenticide Act, FIFRA) by over 20 years. The proposed regulatory action does not duplicate or conflict with federal law or the Code of Federal Regulations. Although there are some broad similarities in the regulatory requirements, California and DPR maintain a separate regulatory structure from the federal standards administered by U.S. EPA.

The concept of requiring permits for certain pesticides dates to Imperial County in 1931. The concept of what became restricted materials was enacted into California law in 1950. The 1950 changes established restricted material permits as a general statewide requirement. U.S. EPA did not begin classifying pesticides as RUPs until the late 1970s.

In recent years, there has been increasing public interest in obtaining equitable and routine access to information about agricultural pesticide applications prior to the application occurring. Due to their potential to adversely impact human health or the environment, DPR and CACs strictly control the use of restricted materials in California. Property operators or their authorized

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Statewide Notification of Agricultural Use of Restricted Materials

representative must apply for a restricted material permit from the local CAC prior to applying or possessing a restricted material which requires a permit. Prior to using the restricted material, an NOI must be filed with the local CAC (job permits, by their nature, do not currently have NOIs).

The overwhelming majority of the interest supporting a statewide notification system comes from stakeholders concerned about agricultural commodity pesticide applications around homes, schools, places of work, and communities, and those who desire increased transparency and access to information about applications before they occur. This proposed action will allow DPR to develop and implement a statewide system to provide information to the public in advance of planned restricted material applications for the production of an agricultural commodity in a user-friendly, electronic format.

C. ESTIMATED BENEFITS

C. 4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: DPR has determined that this proposal is unlikely to result in an expansion of businesses currently doing business within California. Impacted growers may purchase laptops or computers and may also purchase a subscription to the internet through a service provider. These purchases and subscriptions would be spread out among existing providers are unlikely to cause an expansion of businesses currently doing business within California.

If property operators choose to use another pest control option instead of using a restricted material, any new demand for pest control services would be spread out among the existing pest control advisors, pest control businesses, and pest control dealers in the state and would likely be handled with existing staff.

D. ALTERNATIVES TO THE REGULATION

D.1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: DPR considered the following alternatives during development of this proposed regulation:

- **Alternative 1 - No requirement to electronically submit written notices of intent.** This alternative would not feasibly allow DPR to obtain information about forthcoming restricted material applications for the production of an agricultural commodity prior to the application commencing without requiring NOIs to be submitted further in advance of an intended application than is currently required.
- **Alternative 2 - Providing NOIs and public notice more than 24 hours before application of a non-soil fumigant and more than 48 hours before application of a soil fumigant.** Property operators and CACs have stated that increasing the amount of time that an NOI must be submitted before an intended application commences beyond the 24 hours in advance of non-soil fumigant restricted material applications and the 48 hours in advance of a soil fumigation will “cause economic damage.” This alternative

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Statewide Notification of Agricultural Use of Restricted Materials may also not fulfill the purpose of the proposed regulation if property operators were to repeatedly submit NOIs despite having no intent to make the applications so the property operator is assured that they can promptly make necessary pesticide applications during critical seasons.

- **Alternative 3 - Providing public notice about intended soil fumigations only.** This alternative would decrease the number of NOIs that are required to be electronically submitted, lessening the potential economic impact of this proposed regulation. However, this alternative would not achieve the purpose of this regulation: provide public notification of upcoming agricultural commodity restricted material applications.

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT

A.6. Other.

Fiscal impacts to local government agencies were analyzed for the fiscal year the proposed regulatory amendments will become effective and the two subsequent fiscal years. Based on a review of 2019 statewide CalAgPermits permit data¹, local districts as well as city and county agencies received a total of 427 restricted material permits from their local CAC's office in 46 counties. If the agency intends to apply a restricted material, NOI submission to the CAC is an existing activity required under current regulations.

All these agencies are believed to have access to computers and the internet. Because the agricultural permit application must include the name and license number of the certificated applicator responsible for supervising the possession or use of the restricted material (3 CCR section 6428(i)), DPR presumes at least one agent per permit should be a certified commercial applicator. Of these 427 agencies, it is estimated that 56 certified applicators (13%) do not currently submit NOIs electronically to their local CAC's office. These certified applicators will need to spend approximately 30 minutes to learn to submit NOIs electronically, at a cost of \$12.85 each. Learning such systems are an existing part of a certified applicator's activities. There is no additional cost on a per NOI basis, as the time to prepare and submit an NOI electronically is equivalent to the time spent via submitting NOIs via other methods. The initial fiscal year cost is estimated to be \$719.60, with no costs in the subsequent years.

There will be modifications required to CalAgPermits to support the proposed statewide notification system and increased workload on CACs and their staff as the system is implemented. For the fiscal year of implementation and the two following fiscal years (FYs 2024/2025 through 2026/2027), DPR estimates the costs to CACs to be \$689,732. Initial funding for the CACs will be supported from the \$10 million allocation DPR received in the Budget Act of 2021 (Assembly Bill 128) to support initial development of the proposed statewide notification system through June 30, 2024. The Budget Act of 2022 (Senate Bill 154) provided

¹ Most recent complete year statewide permit data available.

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Statewide Notification of Agricultural Use of Restricted Materials
the funds may be used for support or local assistance and extended the funding through June 30, 2026. After FY 26/27, any future costs to CACs would be supported through the mill assessment.

B. FISCAL EFFECT ON STATE GOVERNMENT

Fiscal impacts to State government are analyzed for the fiscal year the proposed regulatory amendments will become effective (Fiscal Year 24/25) and the two subsequent fiscal years.

B.1. Additional expenditures in the current State Fiscal Year.

Fiscal Impacts on Other State Agencies in Fiscal Year 24/25

The proposed regulations may impact State agencies who apply restricted materials under a permit issued by the local CAC's office. Representatives of six State agencies obtained 29 permits in 20 counties and representatives of the University of California and California State University received a total of 38 permits in 14 counties. While some permits listed multiple individuals as agents, in other cases one individual was listed as the agent on an agency's permit in multiple counties. Because the agricultural permit application must include the name and license number of the certified applicator responsible for supervising the possession or use of the restricted material (3 CCR section 6428(i)), DPR presumes at least one agent per permit should be a certified commercial applicator. DPR estimates there are approximately 53 individuals on these permits who are presumed to be certified applicators.

These State agencies are believed to have access to computers and the internet. Of these agencies, it is estimated that seven certified applicators (13%) do not currently submit NOIs electronically to their local CAC's office. These seven certified applicators will need to spend approximately 30 minutes to learn to submit NOIs electronically, at a cost of \$12.85 each. The initial fiscal year cost is estimated to be \$89.95 (7 x \$12.85), with no costs in the subsequent years. DPR believes these costs will be absorbed by the relevant state agencies.

Fiscal Impacts on DPR

The Budget Act of 2021 (Assembly Bill 128) provided \$10,000,000 to the Department for planning and initial development costs for a statewide Pesticide Notification Network through June 30, 2024. The Budget Act of 2022 (Senate Bill 154) provided the funds may be used for support or local assistance and extended the funding through June 30, 2026.

In 2022, County Agricultural Commissioners in Riverside, Santa Cruz, Stanislaus, and Ventura counties volunteered to partner with DPR to launch local pilot projects to support the development of a statewide pesticide application notification system. DPR supported these projects in FY 21/22 and 22/23 with transfers of \$352,000. In addition, DPR paid \$85,600 to the California Agricultural Commissioners and Sealers Association (CACASA) for enhancements to CalAgPermits to support the proposed notification system. DPR estimates the total planning costs for the statewide notification system from FY 21/22 through FY 23/24 (including

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Statewide Notification of Agricultural Use of Restricted Materials supporting the pilot projects by the four Commissioners and the modifications to CalAgPermits) to be \$3,352,264

DPR estimates the project cost during FY 24/25 through FY 26/27 to be \$11,553,115.

The estimated costs to the Department are summarized in the table below. These costs include, but are not limited to, redirection of existing Department staff; operating expenses and new equipment; interdepartmental and external consultation; data centers; software licenses; ongoing legal support of the system; Department outreach to the public, industry, and Commissioners; and other potential Department activities related to the administration and implementation of the statewide notification system.

	Estimated Cost to Department
Planning Costs (FYs 2021/2022 through 2023/2024)	21/22: \$ 644,614 22/23: \$1,335,614 23/24: \$1,372,036
Project Costs (FYs 2024/2025 through 2026/2027)	24/25: \$3,259,682 25/26: \$4,127,225 26/27: \$4,166,208

The \$10,000,000 for planning and initial development costs for a statewide pesticide notification system will likely be fully utilized before the end of FY 25/26. Future expenditures at or below the level indicated will likely be necessary to support DPR’s statewide notification system and it is anticipated that these costs will require a Budget Change Proposal (BCP).