

DPR-ENF-046 (Rev. 01/15)

Form Instructions

Introduction

Collection of information about enforcement/compliance actions assists the Department of Pesticide Regulation (DPR) in tracking overall enforcement/compliance trends and allows DPR to provide more accurate and complete information about statewide enforcement/compliance activities.

About this document

This document contains four parts. Provide accurate information in each part below.

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Routing instructions

Submit an electronic copy of the DPR-ENF-046 (Rev. 01/15) (and if applicable) the supplemental DPR-ENF-047 form electronically to the DPR Enforcement Data Unit at enfdataunit@cdpr.ca.gov at two different times:

1. Submit the DPR-ENF-046 and DPR-ENF-047 (if applicable) when the enforcement action is **Opened**. That is, at the same time the Notice of Proposed Action (NOPA) is sent to the respondent. Continue to submit all NOPAs to the Enforcement Branch Regional Office when they are submitted to the respondent and continue to follow the procedures of NOPA review as defined in ENF 13-11.
2. Submit the DPR-ENF-046 and DPR-ENF-047 (if applicable) when the enforcement action is **Closed**. That is, 40 days after the CAC mails the hearing decision to the respondent. DPR will make corresponding changes to the Enforcement Action closing date if the matter is accepted for appeal.

Do Not submit the DPR-ENF-046 and DPR-ENF-047 forms with the Pesticide Regulatory Activities Monthly Report (PRAMR).

Part A. Enforcement/Compliance Action Type and Status

Background The Enforcement/Compliance Action Type and Status section provides information regarding Administrative, Judicial, Referred for State, and Compliance Action cases. Complete the applicable information below.

(1) Incident Date **REQUIRED.** Date the incident occurred or discovered. If multiple incidents occurred over a period of time, specify the earliest date.

(2) Action Date **REQUIRED.** Refer to guidelines below for opening (Action Date) of Administrative, Judicial, Referred for State, and Compliance Actions.

- Administrative Action:
 - Administrative Civil Penalty (Agricultural and Structural): Date County Agricultural Commissioner (CAC) sends written NOPA to respondent.
 - County Registration (CRS) Suspended/Revoked, Private Applicator Certificate (PAC) (Suspended/Revoked), or Restricted Materials Permit (RMP) Suspended/Revoked: Date CAC sends written NOPA to respondent.
- Judicial Action:
 - Date case is submitted to District Attorney (DA)/Circuit Prosecutor for action.
- Referred for State Action:
 - Date CAC refers case to DPR, Structural Pest Control Board (SPCB), or Other.
- Compliance Actions:
Cease and Desist Order, Documented Compliance Interview or Warning Letter/Violation Notice: Date CAC signs the compliance action.

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Part A. Enforcement/Compliance Action Type and Status, Continued

(3) **Closed Date** **REQUIRED.** Refer to guidelines below for closure (Closed Date) of Administrative, Judicial, Referred for State, or Compliance Actions.

- Administrative Action:
 - Administrative Civil Penalty (Agricultural and Structural): Date CAC signs the Notice of Final Decision, respondent signs the Stipulation, or the action is withdrawn by the CAC. ***Case closure is not dependent on the fine being paid.***
 - County Registration, PAC, or RMP Suspension/Revocation: See Suspended/Revoked Date.
 - Judicial Action:
 - Date DA/Circuit Prosecutor accepts and takes control of the case.
 - Referred for State Action:
 - DPR, SPCB, Other: Date the case is referred by the CAC to the specific state agency.
 - Compliance Action:
 - Cease and Desist Order, Documented Compliance Interview, or Warning Letter/Violation Notice: Date the compliance action is sent/provided to the respondent.
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(4) **Suspended/Revoked Date** Record the effective date a county registration, structural, PAC, or RMP was suspended or revoked.

(5) **Case Number** **REQUIRED.** May be any county assigned number, although sequential numbers are preferred for Administrative Civil Penalties. This is a numeric field only. DO NOT incorporate county names or special characters.

Do not reassign or reissue a case number in the same state fiscal year.

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Part A. Enforcement/Compliance Action Type and Status,

Continued

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- (6) **County** **REQUIRED.** Provide complete name of the county taking action, e.g., Colusa No abbreviations.
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- (7) **Administrative Action Type** **REQUIRED.** Administrative actions are issued with the potential to impose a monetary penalty or loss of a right/privilege, initiated by a NOPA. Check **only one** of the following action types: Administrative Civil Penalty (Agricultural or Structural), County Registration Suspended/Revoked, Private Applicator Certificate Suspended/Revoked, or Restricted Materials Permit Suspended/Revoked.
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- (8) **Referred for State Action** If applicable, check one of the following actions: DPR, SPCB, or Other.
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- (9) **Judicial Action** If applicable, check Case Submitted to DA/Circuit Prosecutor.
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- (10) **Compliance Action** If applicable, check all that apply. More than one of the following compliance actions may be checked on one form provided they are for the same incident: Cease and Desist Order, Documented Compliance Interview, or Warning Letter/Violation Notice.
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- (11) **Administrative Action Status** **REQUIRED.** Check one of the following boxes: NOPA, Signed Stipulation, Closed After Hearing, Withdrawn, or Closed No Hearing.
- **NOPA** – Document used to notify the respondent that the CAC is proposing to levy a fine against them for violating California pesticide laws.
 - **Signed Stipulation** –Agreement from respondent to accept fine or penalty without hearing or appeal rights.

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Part A. Enforcement/Compliance Action Type and Status,

Continued

(11) **Administrative Action Status (continued)**

- **Withdrawn** – The CAC has the authority to withdraw a NOPA. If the NOPA is withdrawn, do not reissue the case number in the same fiscal year. To maintain database integrity, use the next sequential number. For example, if ACP-SAC-13/14-001 was withdrawn, ACP-SAC-13/14-002 would be the next assigned case number.
- **Closed After Hearing** – The final decision on case after hearing. The Final Decision is signed by CAC.
- **Closed No Hearing** – Respondent did not sign a stipulation or show up for hearing.

(12) **Action**

REQUIRED. Record the action reference number in one of the following fields: Inspection Form Serial #, DPR Priority Investigation #, Worker Health and Safety Case #, District Attorney/Prosecutor or Other Case #.

Part B. Action Detail

Background The Action Detail section is used to record the sections/subsections violated from the Food and Agricultural Code (FAC), Business and Professions Code (B & P Code), Title 3, California Code of Regulations (3 CCR), Labor Code (LC) and Title 16, California Code of Regulations (16 CCR). Refer to the Citeable Sections Report at <http://www.cdpr.ca.gov/docs/enfcmpli/admnacts/citsec.pdf> to ensure you are citing a section that can be used in administrative actions. Complete applicable sections below.

(1) Section(s) Cited **REQUIRED.** Record each section/subsection on a separate line. Only sections/subsections in the Citeable Sections Report can be listed.

DO NOT list sections for which there is no fine proposed levied or suspension imposed.

(2) Continuation Box Check if additional space is required. Use supplemental page – (DPR-ENF-047) for additional code section information.

(3) Proposed, Modified, Dismissed Required for Administrative Civil Penalty actions only.

- **Proposed Fine (\$):** Indicate the proposed fine amount for each section cited.
 - **Proposed Suspension (days):** Indicate the proposed number of days of suspension.
 - **Modified Fine (\$):** If the fine was modified after hearing, indicate the modified dollar amount.
 - **Modified Suspension (days):** If the suspension duration was modified after hearing, indicate the modified number of days.
 - **Dismissed:** Check each dismissed section proposed in the NOPA.
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Part C. Individual/Business Information

Background This section is used to record the individual and/or business associated with an incident /violation (e.g., employee and employer). Use separate forms if multiple individuals, or a business and an individual are being cited *as a result of the same incident/violation*. Complete the applicable sections below.

- (1) **Individual**
- **Individual Name: REQUIRED.** Record the full name as it appears on the state-issued license or certificate.
 - **License/Certificate Code: REQUIRED.** Record the applicable individual license/certificate code from the list on the back of the DPR-ENF-046 (Rev. 01/15).
 - **License/Certificate Number: REQUIRED.** Record the number as it appears on the state-issued license or certificate. Leave blank if UNL or NR was recorded in the License Code field.
 - **Unregistered:** Only certain individual license types require county registration. Check the box if the individual was **NOT** registered, as required by law, at the time of the incident.
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- (2) **Business**
- **Business/Organization Name: REQUIRED.** Record the name as it appears on the state-issued license or certificate.
 - **License Code: REQUIRED.** Record the applicable business license code from the list on the back of the DPR-ENF-046 (Rev. 01/15).
 - **License Number: REQUIRED.** Record the number as it appears on the state-issued license.
 - **Unregistered:** Check the box for any business which was not registered, as required by law, at the time of the incident.
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Part C. Individual/Business Information, Continued

(3) **Employment/
Sector Code
(Individual/
Business)** **REQUIRED.** Record the applicable Employment/Sector Code listed on the back of the DPR-ENF-046 (Rev. 01/15).

(4) **SPCB
Branch
(Individual/
Business)** Record the applicable SPCB Branch code listed on the back of the DPR-ENF-046 (Rev. 01/15). Use the activity that occurred at the time of the non-compliance when choosing the branch code.

(5) **Operator
ID/
Restricted
Materials
Permit
Number
(Individual/
Business)** If applicable, check the appropriate box and record the number.

Part D. Activity/Incident Information

- Background** This section is used to record information about the pesticide product used when the activity/incident occurred. In addition, the category, setting and activity must be identified. Complete applicable sections below.
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- (1) **Pesticide Product Name(s)** List product name(s) as it appears on the label. If more space is required, use supplemental page.
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- (2) **Product Registration Number(s)** List U.S. EPA or California registration number as it appears on the label. If a pesticide is not registered, has a research authorization, or is exempt, record UNREG, RESEARCH AUTH or EXEMPT in front of pesticide product name. For example: EXEMPT Cedar oil.
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- (3) **Category** **REQUIRED.** For Qualified Applicator License (QAL)/Qualified Applicator Certificate (QAC) and Pest Control Business (PCB) licensees, record the category listed on the back of DPR-ENF-046 (Rev. 01/15). Use **No Category** for licensees working outside the scope of their categories.
- Note:** For Pest Control Advisor (PCA), record the category applicable at the time of the incident/violation in the **Category** field. For category list, see Note in Appendix 3, License Category Definitions, (DPR-ENF-046, Rev. 01/15). Use **No Category** for PCAs working outside the scope of their categories. List the category the PCA should have had in the **Comment on Category/Setting/Activity** field.
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- (4) **Setting** **REQUIRED.** Physical setting in which the incident/violation occurred. Record the applicable setting from the list on the back of the DPR-ENF-046 (Rev. 01/15). If an appropriate term is not listed, record **Other** in the **Setting** field, and provide the appropriate setting in the **Comment on Category/Setting/Activity** field.
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- (5) **Activity** **REQUIRED.** Activity being performed by the individual (or employee) at the time of the incident/violation. Record the applicable activity from the list on the back of the DPR-ENF-046 (Rev. 01/15). If an appropriate activity is not listed, record **Other** in the activity field, and provide the appropriate activity in the **Comment on Category/Setting/Activity** field.
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Part D. Activity/Incident Information, Continued

(6) **Comment on Category/Setting/Activity** Use this field to provide the requested information above. You may also use this field to provide further explanation from various fields as needed, or to provide additional information about the incident/violation(s).

(7) **County Contact** **REQUIRED.** Name of county contact that completed the form.

(8) **Telephone** **REQUIRED.** Area code and telephone number of county contact.

(9) **Date Submitted** **REQUIRED;** Date enforcement action submitted to DPR Headquarters Enforcement Branch.
