

Identification of Companies for Case Review, Compliance, and Civil Penalty Action

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| Scope | This chapter provides guidance for DPR staff when making compliance and civil penalty decisions for companies who are the first to sell produce into California channels of trade. |
| Quarterly T-Case Record Review | Headquarters Enforcement Branch staff will conduct a quarterly review of the California Pesticide Residue Tolerance Case (T-case) files for the prior 12-month period, looking for companies who were the first to pack, ship or sell produce with illegal residues into the state of California. |
| Criteria for Residue Repeat Offender | Has been identified in: <ul style="list-style-type: none">• Three or more illegal pesticide residue T-cases within a 12-month period<u>or</u>• An illegal pesticide residue T-case that was determined to pose a significant acute risk to human health. |
| Case file preparation and review | For each company that has been identified for case review Headquarters staff will: <ul style="list-style-type: none">• Compile all documents pertaining to the company's illegal pesticide residue T-cases.• Evaluate and certify that the company meets the criteria for further action. |
| Companies identified as Residue Repeat Offenders | For each company that has been identified as a Residue Repeat Offender: <ul style="list-style-type: none">• Headquarters will prepare an "Official Notice of Repeat Illegal Pesticide Residue" letter and send it to the company and the appropriate DPR Regional Office Manager.• Headquarters will provide a copy of the case file to the appropriate Regional Office Manager.• The Regional Office Manager will contact the company within 2 weeks of the sending of the letter and schedule a compliance interview with the company. |

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| Violation Free Period Avoids Action | <p>Each company that has been identified as a Residue Repeat Offender will be subject to an enforcement action if they are not violation free for a specific period of time.</p> <ul style="list-style-type: none">• A time period will be determined by the Enforcement Branch Chief; however, will not be less than six months.• The specified time period will begin the first quarter after the compliance interview is conducted. (The purpose of this is to allow some time for company to fix their problems.) |
| Notice of Repeated Illegal Pesticide Residues Letter | <p>The Notice of Repeated Illegal Pesticide Residues letter contains the following information:</p> <ul style="list-style-type: none">• Specific information about the company's illegal residue cases for the past 12 months.• Warning about possible civil penalty actions for subsequent violations within the specified time period.• Informing the company that they will be contacted by the Regional Office Manager to schedule a compliance interview.• Signed by the Branch Chief. |
| Compliance interview | <p>The compliance interview:</p> <ul style="list-style-type: none">• Scheduled by Regional Office Manager.• Location determined by Regional Office Manager.• Conducted by Regional Office Manager.• Discuss what actions the company is or will take to prevent the sale of produce with illegal pesticide residues by their company in the future.• Discuss potential civil penalty actions by DPR for subsequent violations within the specified time period.• The Regional Office Manager will send a follow-up letter to the company to document what was discussed in the compliance interview.• A copy of the letter will be placed in the T-case file. |
| Future Case Review | <p>After the expiration of the specified time period with no violations found, or a civil penalty action was taken:</p> <ul style="list-style-type: none">• The company will not be considered for case review for 12 months. |

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Criteria for Enforcement Action

Company has been identified in:

- One or more illegal pesticide residue T-cases within the specified time period;
- or
- An illegal pesticide residue T-case that has been determined to pose a significant acute risk to human health. Enforcement Branch Chief will determine the most appropriate action.

Enforcement Action

Headquarters staff will prepare a case file and present it to DPR's Office of Legal Affairs to consider civil penalty action.