

B. Priority Episode Investigations

The investigator must consider the priority episode investigation criteria contained in the US EPA/DPR/CACASA Cooperative Agreement for each episode (http://www.cdpr.ca.gov/docs/enforce/compend/vol_5/cooperative_agreement.pdf). When the investigator learns of an episode that **appears** to meet one or more of the effects listed in Figure 2 and where there is a reasonable possibility that it could have resulted from the use or presence of a pesticide, he/she must promptly report the episode to an EBL or the EB regional office.

For priority episode investigations, the US EPA/DPR/CACASA Cooperative Agreement makes no distinction between use-related and non-use-related episodes. DPR reports all priority episodes to the US EPA irrespective of the agency with lead investigative responsibility. For episodes that fall outside of DPR/CAC jurisdiction, DPR will notify the agency with the lead investigative responsibility. For episodes that occur outside of California with any of the listed effects criteria occurring in California, DPR will refer the episode to US EPA.

DPR's EB assigns a priority episode number and sends a Pesticide Episode Notification Record (PENR) to all agencies with responsibility. The EBL works with the CAC during the investigation to ensure State and US EPA concerns are met. This includes investigating all possible violations and taking appropriate enforcement action. View these episodes as an opportunity to examine the entire regulatory process.

According to the US EPA/DPR/CACASA Cooperative Agreement, a priority episode investigation must commence immediately whenever possible, but no later than 3 working days from referral to the CAC. The CAC will conduct a full investigation on all priority episodes within their jurisdiction. Based on preliminary information from the CAC investigation, the EBL submits an updated report of the priority episode to the DPR EB headquarters office no later than 15 days following the issuance of the PENR. This updated report should include the CAC's initial findings, suspected violations, projected completion date and contemplated enforcement actions. The CAC must submit to DPR the completed investigative report within 45 days of completing the investigation. The DPR final report must be submitted to US EPA within 75 days of the CAC completing the investigation. If the investigation cannot be completed by the date set by the CAC, the CAC must notify the EBL on Form PR-ENF-097 explaining why the priority investigation cannot be completed by the set date. The CAC must also specify the length of time needed to complete the investigation.

In the CAC investigative report, the investigator should cover all aspects of the incident (including those not directly contributory). The final CAC report must contain all relevant evidence that might contribute to an evaluation of the cause, effect, and responsibility. During the investigation, examine the activities of all persons involved in making the decision to use a pesticide (including the pest control dealer or agricultural pest control adviser), those who applied it, and when applicable, those involved in deciding when to send a field crew into the field to perform cultural activities.