

FINAL STATEMENT OF REASONS AND PUBLIC REPORT
DEPARTMENT OF PESTICIDE REGULATION

Title 3. California Code of Regulations
Adopt Section 6302 and Amend Section 6414
Sales of Agricultural and Restricted Use Pesticides

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 following the 45-day public comment period.

The proposed regulatory action was noticed in the California Regulatory Notice Register on June 17, 2016. During the 45-day public comment period, no comments were received.

Statement Regarding Nonduplication [Title 1 California Code of Regulations, section 12(b)(1)]: For reasons stated in the Initial Statement of Reasons, the proposed regulation overlaps with state statutes, which are cited as "reference" for the proposed regulation, and the duplication or overlap is necessary to satisfy the "clarity" standard pursuant to Government Code section 11349.1(a)(3).

On page 3 of the Initial Statement of Reasons, the heading "Alternatives to the Proposed Regulatory Action" should be cited to Government Code section 11346.2(b)(4).

PUBLIC HEARING

No public hearing was scheduled or held.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING 45-DAY COMMENT PERIOD

No comments received.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts requiring reimbursement by the State pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a "new program or higher level of service of an existing program" within the meaning of section 6 of Article XIII B of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from this regulatory action.

ALTERNATIVES DETERMINATION

The Director has determined that no alternative considered by DPR would be more effective in carrying out the purpose for which this regulation is 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 clearly outlines the legal requirement surrounding the sale of agricultural use pesticides necessary to increase compliance and assure successful enforcement.

POSTING REQUIREMENT

Title 3, California Code of Regulations, section 6110, states in part that, "The public report shall be posted on the official bulletin boards of the Department, and of each commissioner's office, and in each District office of the DPR [Division of Pest Management, Environmental Protection and Worker Safety] 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>>. In addition, copies were provided to the offices listed above for posting.