

FINAL STATEMENT OF REASONS AND PUBLIC REPORT
DEPARTMENT OF PESTICIDE REGULATION

Title 3. California Code of Regulations
Amend Section 6860
Pertaining to Toxic Air Contaminants

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 nor are any changes necessary to the Initial Statement of Reasons following the public comment period.

The proposed regulatory action was noticed in the *California Regulatory Notice Register* on September 21, 2018. During the public comment period, DPR received comments on the proposed text. The comments are discussed under the heading “Summary and Response to Comments Received” within this Final Statement of Reasons.

DPR has amended Title 3, California Code of Regulations (3 CCR) section 6860(a). This action designates the pesticide chemical chlorpyrifos as toxic air contaminant (TAC) pursuant to Food and Agricultural Code (FAC) section 14023.

PUBLIC HEARING

DPR scheduled and held a public hearing on November 8, 2018 in Sacramento, California. A transcript of the hearing is contained in the rulemaking file.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING PUBLIC COMMENT PERIOD

See Attachment A.

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 law. This determination is supported by the *Final Toxic Air Contaminant Evaluation of Chlorpyrifos*, July 2018, and the Notice of Proposed Decision Concerning the Director's Declaration of Chlorpyrifos as a Toxic Air Contaminant, August 24, 2018, which are contained in the rulemaking file as "Documents Relied Upon."

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.