

Chapter 11

Interested Party Permit Review Request

Introduction

Any interested person may ask the CAC to review his/her decision in issuing, refusing, revoking, suspending, or conditioning a permit to use or possess a restricted material. The CAC may affirm, modify, or reverse the permit decision.

FAC §14009 -- CAC's review of a permit action

When it is **not** the permittee requesting the review of a permit action, the review should be conducted pursuant to the provisions of FAC section 14009. It is typically a person who lives within the vicinity of the permit site who requests a review, but the definition of "interested" party includes a much broader category of individuals.

Review request requirements

Each request for review must be submitted to the CAC in writing and include the following:

1. Location and kind of sensitive sites affected;
 2. Location of the property being treated;
 3. Name of the restricted material (pesticide);
 4. Name and address of the operator whose property is being treated; and
 5. Any other information the person filing the request for review or the CAC determines to be relevant.
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Crafting decisions

The CAC's written decision in response to the review request should include the following:

- Discussion of how the permit use is consistent with the applicable pesticide label restrictions and regulations;
 - Discussion of specifically how the permit decision takes into consideration local conditions and the factors listed in FAC section 14006.5;
 - Specific responses to any issues raised by the party requesting review; and
 - Description of any actions taken or information considered by the CAC to assist in making the review decision.
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Interested Party Permit Review Request, Continued

Time frames The CAC will review the request and provide a written response within ten days of the request or as soon as is practicable. The CAC shall conduct each review in an expeditious manner so that needed pest control measures are not adversely affected.

Appeal to the Director After the CAC has reviewed the permit and provided a written decision, a person directly affected¹ by the CAC's decision may appeal to the Director for review.

Limited issues on appeal In an appeal of the CAC's decision to the Director, the issues are limited to whether the:

- Proposed permit's use is consistent with the applicable pesticide label restrictions and applicable regulations;
- CAC properly considered the provisions of FAC section 14006.5;
- CAC abused his/her discretion in issuing, refusing, revoking, or conditioning the permit.

¹ The only definition of "directly affected" is in 3 CCR section 6443(h). While this section is limited to the use of phenoxy herbicides on timberland, DPR will initially apply this standard to all appeals. If the appellant does not meet this standard, he/she should state the basis for being directly affected. If the CAC revokes, suspends, or modifies a permit as a result of his/her review, the permittee can appeal under the provisions of FAC section 11512.5.