

## Chapter 5

### Activity Reporting to DPR

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**Introduction** This chapter outlines CAC activity reporting requirements to DPR.

CACs are an important partner in implementing California’s pesticide regulatory program. DPR has the responsibility of compiling information on the activities of the program for use in statewide decision-making and for distribution to the public, the media, and the Legislature. DPR obtains this information through the various reports, inspections, investigations, and other documentation submitted by the CACs.

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#### Table of Contents

Section 1 Pesticide Regulatory Activity Monthly Report.....	5-2
Section 2 Illness Investigation Reporting (Non-priority Episode) .....	5-4
Section 3 Priority Episode Reporting .....	5-5
Section 4 Inspection Reporting.....	5-7
Section 5 Compliance and Enforcement Action Reporting.....	5-8

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## Section 1

# Pesticide Regulatory Activity Monthly Report

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**Background** DPR’s Pesticide Regulatory Activities Monthly Report (PRAMR) tracks California’s statewide pesticide regulatory activity summary information. The data are submitted each month by CACs to DPR. PRAMR is used by DPR to record workload for allocation of mill assessment revenues and to keep statistics of work completed for enforcement of the State Pesticide Regulatory Program.

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**CalPEATS and PRAMR** CACs use monthly PRAMRs to report to DPR on over 150 different pesticide use enforcement program activities and elements. Historically, CACs would mail to DPR a monthly PRAMR along with copies of all the inspections and enforcement actions for that month. With statewide adoption of CalPEATS for fiscal year 2017/2018, CACs must submit PRAMRs through CalPEATS and CalPEATS automatically tracks many of the elements reported in PRAMR (e.g., number of Use Monitoring Inspections). A few program elements, such as work hours and number of exams given need to be separately tracked outside of CalPEATS and manually entered monthly into CalPEATS.

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**CalPEATS PRAMR instructions** In CalPEATS, PRAMR is accessed through the Monthly Activity module. In this module, CACs can view monthly summaries of all PRAMR activities, manually enter work hours and certification and training activities for a specific month, and submit PRAMRs to DPR.

When the CAC “closes” a month in the CalPEATS Monthly Activity module, the monthly PRAMR will then be visible to DPR and is considered submitted to DPR. CACs may still go back and reopen a closed month and make updates if needed.

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**Monthly activities in CalPEATS** Only inspections, investigations, and enforcement responses that have a status of “closed” in CalPEATS are counted in the Monthly Activity Module.

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## Pesticide Regulatory Activity Monthly Report, Continued

**Year-end summary timeline**

To meet a reasonable schedule for finalizing PRAMR data for mill assessment allocation and disbursement annually in March–April, all PRAMR data submissions must meet the timeline.

Date	Activity
October 1	DPR e-mails a summary of all open and closed months for the prior fiscal year to each CACs for review.
December 1	Final date for CACs to make any PRAMR edits and close out the entire fiscal year.
February 1	All final PRAMR edits must be entered and the fiscal year closed in CalPEATS by the CACs. DPR will use the PRAMR data that is current as of February 1 to distribute the mill assessment. Changes to PRAMR after February 1 will not change the mill assessment distribution.
March 1	Fiscal Year summary PRAMR from CalPEATS will be sent to the Mill Assessment Unit for mill disbursement.
April 1	Fiscal Year summary reports will be posted to DPR’s external website. DPR will e-mail the CACs to advise them when posted to the external website.

**Making amendments to PRAMR in CalPEATS**

DPR accepts amendments to the PRAMRs in CalPEATS throughout the current fiscal year. Entering back-dated inspections, investigations, and enforcement actions into CalPEATS automatically updates the values in the Monthly Activity Summary.

In addition, the manually entered values (e.g., work hours) can be adjusted, within a fiscal year, even after closing a month by reopening the month and updating the value. After an entire fiscal year is closed out, the manual entry values are locked.

**Mill disbursement**

DPR disburses a portion of the mill assessment revenues based on the total number of **complete** pesticide use enforcement program inspections conducted in accordance with the plan agreed upon by the Director and the CACs per 3 CCR section 6393(b)(1).

**Questions**

If you have questions, please contact the Enforcement Branch Data Unit at via e-mail at [enfddataunit@cdpr.ca.gov](mailto:enfddataunit@cdpr.ca.gov).

## Section 2

### Illness Investigation Reporting (Non-priority Episode)

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**Background** The CAC investigates pesticide human illness or injury and pesticide environmental injury incidents. Some of the incidents reach the level of a Priority Episode.

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**Conducting Investigations** For detailed information on conducting a pesticide illness investigation, see Compendium, Volume 5, *Investigation Procedures* on the DPR web site at: [http://www.cdpr.ca.gov/docs/enforce/compend/vol\\_5/invstprc.htm](http://www.cdpr.ca.gov/docs/enforce/compend/vol_5/invstprc.htm).

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**DPR's PISP database** DPR's Pesticide Illness Surveillance Program (PISP) in the Worker Health and Safety Branch maintains a database of pesticide-related illnesses and injuries. Analysis of illness and injury trends from a particular pesticide or activity provides direction for the Exposure Monitoring, Industrial Hygiene, and Exposure Assessment and Mitigation programs.

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**Timeline to submit non-priority illness investigation report** CACs are required to submit completed Pesticide Episode Investigation Reports directly to the Worker Health and Safety (WHS) Branch within 120 days of case assignment. "Closing" any human illness investigation report within CalPEATS satisfies the WHS submittal requirement

If the CAC cannot complete and submit the investigation report within the timeframe, they notify their EBL using the time extension form PR-ENF-097 with an explanation. The EBL must approve any extension.

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**Submitting documents in CalPEATS** In CalPEATS, for Non-priority illness investigations, the closed investigation records must have investigation reports and supporting documents attached to the record. Any files and documents that contain HIPPA-protected information should be flagged in CalPEATS as containing HIPPA information. HIPPA-flagged files are only readable by WHS and county staff that created the investigation record. In an investigation that is closed in CalPEATS, all unflagged files are viewable by everyone.

If you have questions, please contact the PISP program coordinator at (916) 445-4222, [PISP@cdpr.ca.gov](mailto:PISP@cdpr.ca.gov).

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## Section 3 Priority Episode Reporting

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**Introduction** A Priority Episode is an incident that meets the criteria outlined in the cooperative agreement between U.S. EPA, DPR, and the County Agricultural Commissioners and Sealers Association.

The cooperative agreement is available at:  
<http://www.cdpr.ca.gov/docs/county/cacltrs/penfltrs/penf2005/2005019.htm>.

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**Conducting Investigations** For detailed information on conducting an investigation, see Compendium, Volume 5, *Investigation Procedures* available on the DPR web site at:  
[http://www.cdpr.ca.gov/docs/enforce/compend/vol\\_5/invstprc.htm](http://www.cdpr.ca.gov/docs/enforce/compend/vol_5/invstprc.htm).

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**CalPEATS and Priority Episodes** In CalPEATS investigation records marked as Priority Episodes are immediately viewable by DPR. In contrast, non-priority episode investigations are viewable by DPR only when a CAC closes the investigation record in CalPEATS.

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**Timeline for Reporting a Priority Episode** The CAC must promptly report to the EBL a pesticide incident that appears to meet one or more of the pesticide Priority Episode criteria, and there is a reasonable possibility that it could have resulted from pesticide use.

CACs are required to commence a priority episode investigation within three (3) workdays of notification.

The EBL promptly sends a Pesticide Episode Notification Record (PENR) to all agencies with regulatory responsibility.

The EBL, within 15 days of the PENR, sends an updated report to all agencies with regulatory responsibility. This report includes updates to initial findings, updates to the initial suspected violations, projected investigation completion date, and potential enforcement actions.

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## Priority Episode Reporting, Continued

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**Timeline for submitting a Priority Episode Investigation Report**

The CAC submits the completed investigation to the EBL within 45 days of completing the investigation.

If the CAC cannot complete and submit the investigation report within the timeframe, the CAC notifies their EBL on time extension form PR-ENF-097 with an explanation. The EBL must approve any extension.

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**HIPPA reminder**

Any files and documents that contain HIPPA-protected information should be flagged in CalPEATS as containing HIPPA information. HIPPA-flagged files are only readable by WHS and county staff that created the investigation record. In an investigation that is closed in CalPEATS, all unflagged files are viewable by everyone.

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**Questions**

If you have questions, please contact your Enforcement Branch Liaison.

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## Section 4 Inspection Reporting

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<b>Introduction</b>	The CACs conduct approximately 18,000 field use monitoring, structural, worker protection, and records inspections annually. In addition, counties conduct another 8,000 pre-application site inspections under the restricted material permitting program. CACs submit inspection reports through CalPEATS to DPR.
<b>Conducting inspections</b>	For detailed information on conducting inspections, see Compendium Volume 4, <i>Inspection Procedures</i> , on DPR's web site at: <a href="http://www.cdpr.ca.gov/docs/enforce/compend/vol_4/inspect_procedures.htm">http://www.cdpr.ca.gov/docs/enforce/compend/vol_4/inspect_procedures.htm</a>
<b>DPR's evaluation of inspections in CalPEATS</b>	<p>DPR periodically reviews closed inspections in CalPEATS to assess documenting of compliance with DPR's regulatory programs and consistency in following DPR's inspection procedures. This information is used in part in county effectiveness evaluations, identify trends and program changes, and improve inspection compliance.</p> <p>When using CalPEATS, please ensure that each inspection form is complete and review any identified errors before "closing" and inspection. Only by marking an inspection as "closed" in CalPEATS allows DPR to view the inspection. CAC inspection with any other inspection status categories (e.g., in progress) are not visible to DPR in CalPEATS.</p>
<b>PRAMR and Inspections</b>	Only "closed" complete inspection reports are counted in PRAMR. Inspections that are performed and documented in accordance with the procedures in Compendium Volume 4, <i>Inspection Procedures</i> are considered complete.
<b>Questions</b>	If you have questions, please contact the Enforcement Branch Data Coordinator/Liaison at <a href="mailto:sbenson@cdpr.ca.gov">sbenson@cdpr.ca.gov</a> .

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## Section 5

# Compliance and Enforcement Action Reporting

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**Introduction** A non-compliance observed during an inspection or investigation is a violation of a law or regulation. The county should review the criteria outlined in 3 CCR sections 6128(c)(1-3) to determine the appropriate action to be taken, i.e., enforcement action or compliance action, and when a decision report is required.

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**Reporting in CalPEATS** CalPEATS was developed to centralize and track violations from cradle to grave (i.e., from the incident to the disposition of the incident). In CalPEATS the Enforcement Response module summarizes the disposition of any violations noted during inspections and investigations.

When using CalPEATS to report compliance and enforcement actions to DPR, the violation must also be in CalPEATS. In other words, either the inspection or investigation report indicating a violation must be a record in CalPEATS before reporting on an associated compliance action or enforcement action. Similarly, in CalPEATS, any violation noted on an inspection or investigation report should have an enforcement response record, either an associated compliance or enforcement action.

CACs may use CalPEATS to view violation histories for persons and businesses across the state. The information is available to the CACs to provide a regional and statewide profile of a violator's compliance history. Only final (closed) enforcement and compliance actions are visible to other counties and DPR.

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**CalPEATS Enforcement Response Module** Creating an Enforcement Response from a violation noted in CalPEATS, allows the CAC to record the classification and disposition of that violation. In CalPEATS, individual violations can be disposed of in multiple ways including compliance and enforcement actions, and/or outside agency referral.

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## Compliance and Enforcement Action Reporting, Continued

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**Decision reports** In addition to tracking compliance actions, the Enforcement Response module in CalPEATS allows CACs to create and submit decision reports to DPR for acceptance that contain all the information outlined in 3 CCR section 6128(d). When submitting a decision report to DPR through CalPEATS, DPR will be electronically notified of this action and will review the decision report in CalPEATS.

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**DPR review of decision reports** Decision reports will be reviewed by the regional office to determine its acceptance, need for additional information, or denial.

The regional office will notify the CAC upon acceptance of decision reports no later than 30 days after receipt of the decision report. If no response is provided to the CAC within the 30 days, the decision report is considered accepted. In CalPEATS, decision reports that are accepted by DPR will either be marked as “approved” by DPR or the 30-day countdown indicator for the decision report will have expired (i.e., no response).

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**Enforcement Actions in CalPEATS** The CAC staff must include (i.e., attach) any final versions of relevant documents to CalPEATS enforcement action records including Notice of Proposed Action, Notice of Final Decision, and signed Stipulation and Waiver to Order.

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**Formal referrals** The CAC may refer a case to other venues for civil or criminal action. A copy of any formal referral to a City Attorney, District Attorney, Circuit Prosecutor, or Attorney General by the CAC must either be included in the Enforcement Response record in CalPEATS or sent to directly to DPR.

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**DPR’s access to CalPEATS Enforcement Responses** In CalPEATS, only after a CAC closes an enforcement response (status changed to “Closed) will information on a CAC’s response to a violation be visible and reviewable by DPR.

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## Compliance and Enforcement Action Reporting, Continued

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**Structural civil penalty cases**     The CAC should also send a copy of the NOPA and appropriate closing document for structural civil penalty cases to the Structural Pest Control Board (SPCB) at the following address or fax to (916) 263-2469:

Structural Pest Control Board  
2005 Evergreen Street, Suite 1500  
Sacramento, CA 95815

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**Questions**     If you have questions on the NOPA process, please contact your Enforcement Branch Liaison.

If you have questions on the Enforcement/Compliance Action reporting, please contact the Enforcement Branch Data Coordinator/Liaison at [sbenson@cdpr.ca.gov](mailto:sbenson@cdpr.ca.gov).

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