

SAMPLE INITIAL STATEMENT OF REASONS
XXX COUNTY AGRICULTURAL COMMISSIONER

Adopt County Regulations
Pertaining to XXX

SUMMARY OF PROPOSED ACTION/PESTICIDE REGULATORY PROGRAM
ACTIVITIES AFFECTED

The XXXXX County Agricultural Commissioner (CAC) proposes to adopt commissioner regulations. The pesticide regulatory program activities that will be affected by the proposal are those pertaining to XXXXX. In summary, the proposed action would XXXXX.

PROBLEM, ADMINISTRATIVE REQUIREMENT, CONDITION, OR CIRCUMSTANCE
ADDRESSED

(This section will contain the problem, etc., in the county that needs to be addressed by CAC regulations.)

SPECIFIC PURPOSE AND FACTUAL BASIS

(This section will contain a description of each provision within the proposed regulations and the rationale why each specific provision is necessary to carry out the purpose[s] for which the regulations are proposed.)

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION

The XXXXX CAC has considered alternatives that would lessen any possible adverse economic impacts, including impacts on small businesses, and has determined that the proposed regulatory action results in the least impact on businesses of all sizes. (Describe alternatives considered and why rejected.) While the XXXXX CAC has considered alternatives, it is recognized that there may be additional alternatives that have not been considered. The XXXXX CAC would welcome the submission of suggested alternatives.

Or

The XXXXX CAC has not identified any feasible alternatives to the proposed regulatory action that would lessen any possible adverse economic impacts, including any impacts on small businesses, and invites the submission of suggested alternatives.

(If the regulation mandates the use of specific technologies, the initial statement of reasons must explain why such standards must be used.)

(If the Notice of Intent to Adopt Regulations states that the proposed regulatory action will not have a significant impact on business, then the Initial Statement of Reasons is to contain the facts, documents, or other evidence upon which the commissioner relied to make the finding.)

IDENTIFICATION OF ANY SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECT
THAT CAN REASONABLY BE EXPECTED TO OCCUR FROM IMPLEMENTING THE
PROPOSAL

(This section should refer to the CAC's environmental impact report or negative declaration.)

EFFORTS TO AVOID UNNECESSARY DUPLICATION WITH FEDERAL REGULATIONS

The proposed regulatory action does not duplicate or conflict with federal regulations because there are no federal regulations contained within the Code of Federal Regulations which address this issue.

DOCUMENTS RELIED UPON

(List the documents the CAC relied on in proposing the regulations.)

SAMPLE (Name of County) COMMISSIONER REGULATIONS
Subject
CAC Regulation No. **XX (year)-XXX (Optional)**

NOTICE OF INTENTION TO ADOPT REGULATIONS

The **XXXXX** County Agricultural Commissioner (CAC) proposes to **adopt** commissioner regulations. The proposed regulatory action pertains to **(description)**.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the contact person named below. Written comments must be received no later than 5:00 p.m. on **(DATE - at least 45 days from time of publication date)**. Comments regarding this proposed action may also be transmitted via e-mail at **<e-mail address>** or by facsimile (FAX) at **(XXX) XXX-XXXX**.

A public hearing is not scheduled. However, a public hearing will be scheduled if any interested person submits a written request for a public hearing to the **XXX CAC'S Office** no later than 15 days prior to the close of the written comment period.

EFFECT ON SMALL BUSINESS

The **XXXXX** CAC has determined that the proposed regulatory action **does/does not** affect small businesses. **(If it does not, explain why.)**

INFORMATIVE SUMMARY

Provide a concise and clear summary of existing laws and regulations, if any, related directly to the proposed action and of the effect of the proposed action and a policy statement overview explaining the broad objectives of the regulation and, if appropriate, the specific objectives.

The XXXX CAC proposes to adopt commissioner regulations to XXXX.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The CAC has determined that the proposed regulatory action **does/does not** impose a mandate on local agencies or school districts nor does it require 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 of the California Constitution and is not a State regulation or State mandate. The Commissioner has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

EFFECT ON HOUSING COSTS

The CAC has made an initial determination that the proposed action **will have no effect/will have an effect** on housing costs.

SIGNIFICANT ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

The CAC has made an initial determination that adoption of this regulation **will/will not** have a significant adverse economic impact directly affecting businesses, including the ability of **name of county** businesses to compete with businesses in other counties.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CAC has made an initial determination that the adoption of this regulation **will/will not** have a significant cost impact on representative private persons or businesses. The CAC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action **or the CAC believes a representative private person or business will incur the following costs in reasonable compliance with the proposed action: XXXX**

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS/BUSINESSES

The CAC has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with **name of county**.

CONSIDERATION OF ALTERNATIVES

The CAC must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the CAC, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed regulatory action.

AUTHORITY

This regulatory action is taken pursuant to the authority vested by Food and Agricultural Code sections **11503-11511**.

REFERENCE

This regulatory action is to implement, interpret, or make specific Food and Agricultural Code sections **XXX**.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, the CAC may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If the CAC does make changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the contact person named in this notice. The CAC will accept written comments on any changes for 15 days after the modified text is made available.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The CAC has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the contact person named in this notice. The information upon which the CAC relied in preparing this proposal and the rulemaking file is available for review at the address specified below.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

Name, Title
XXX County Agricultural Commissioner's Office
Address
Phone Number
E-mail

Note: In the event the contact person is unavailable, inquiries should be directed to the following backup contact person at the same address as noted above:

Name, Title
Phone Number

This Notice of Intention to Adopt Regulations, the Initial Statement of Reasons, and the proposed text of the regulations are also available on XXX County Agricultural Commissioner's Office Web page at <<http://www.XXXXX>>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on **XXX County Agricultural Commissioner's Office** Web page and accessed at <<http://www.XXXXX>>.

XXX County Agricultural Commissioner's Office

County Agricultural Commissioner

Date

SAMPLE FINAL STATEMENT OF REASONS
XXX COUNTY AGRICULTURAL COMMISSIONER

Adopt County Regulations
Pertaining to XXX

UPDATE OF THE INITIAL STATEMENT OF REASONS

Update the information contained in the initial statement of reasons.

The XXX County Agricultural Commissioner (CAC) has adopted county regulations. The pesticide regulatory program activities that will be affected are those pertaining to

PUBLIC HEARING

XXX CAC received no requests to hold a public hearing and no hearing was scheduled or held (if applicable) or a public hearing was held on (date).

SUMMARY AND RESPONSE TO COMMENTS RECEIVED

XXX CAC received XX (number) comments during the 45-day public comment period from (name of individual/organization). A summary of the comments and the CAC's response to the comments follows.

Comment:

Response:

Comment:

Response:

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

XXX CAC 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 and is not a State regulation or State mandate. The CAC has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

ALTERNATIVES DETERMINATION

The CAC has determined that no alternative considered by the CAC's office 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 proposed regulatory change.

SAMPLE UPDATED INFORMATIVE DIGEST

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Intention to Adopt Regulations; or set forth a clear and concise summary of the immediately preceding laws and regulations, if any, relating directly to the adopted CAC's regulations and the effect of the adopted regulations. This should be drafted in a format similar to the Legislative Counsel's Digest on legislative bills.

SAMPLE STATEMENT OF MAILING NOTICE

The **XXXX County Agricultural Commissioner** confirms that it complied with the provisions of Food and Agricultural Code 11504 regarding the mailing of the notice of proposed regulatory action. The notice was mailed on (**date**), over 45 days prior to the end of the public comment period.

XXXX County Agricultural Commissioner

Name and Title

Date

SAMPLE TABLE OF CONTENTS

| | |
|--|---|
| Notice of Intention to Adopt Regulations | X |
| Text of Proposed Regulations | X |
| Initial Statement of Reasons | X |
| Written Comments Received During the 45-Day Public Comment Period | X |
| Updated Informative Digest | X |
| Text of Final Regulations | X |
| Final Statement of Reasons | X |
| Statement of Mailing Notice of Intention to Adopt Regulations | X |
| List of Pest Control Businesses and Other Persons to Whom the Notice of Intention to Adopt Regulations was Mailed | X |
| Proof of Newspaper Publication of Notice of Intention to Adopt Regulations | X |
| Documents Relied Upon | X |

Certification

The foregoing table of contents constitutes the **XXX County Agricultural Commissioner's** rulemaking file for the subject regulations. The rulemaking file as submitted to the Director of the Department of Pesticide Regulation is complete. The rulemaking record for the subject regulations was closed on _____.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at **(City, County)**, California, on _____ **(Date)**.

Name
Title