

Pesticide Use Enforcement Program Standards Compendium

General Overview

Regulating pesticides in California is a joint responsibility of the Director of the Department of Pesticide Regulation (DPR) and county agricultural commissioners (CACs). Food and Agricultural Code (FAC) section 2281 provides that DPR is responsible for overall statewide enforcement and for issuing instructions and making recommendations to the CACs. The CACs are responsible for local administration of the pesticide use enforcement program. Several other FAC sections (11501.5, 12977, 12982, 14004.5, and 15201) state that the CACs work under the direction and supervision of the Director.

The *Pesticide Use Enforcement Program Standards Compendium* is a series of eight manuals that contain pesticide use enforcement directives, interpretations, recommendations, and expectations. The *Compendium* represents the Pesticide Use Enforcement Program's "standard operating procedures."

The contents of the *Compendium* supersede any position or direction on these subjects contained in previous letters to CACs or earlier manuals. Omitted items not in conflict with directions or positions contained in the *Compendium* may, however, continue to be used for interim guidance. DPR reserves the right to re-examine omitted topics and may readopt them or develop a new position or direction when necessary.

It should be noted that the procedures described in this document are intended solely for the guidance of employees of DPR and CACs. They do not constitute rulemaking by DPR. DPR and CACs may deviate from these procedures provided the deviation does not adversely impact the effectiveness of the county pesticide enforcement program or hinder effectiveness of DPR in fulfilling its responsibilities for the overall statewide enforcement program oversight.

New and updated procedures, policies, and interpretations will be issued in the form of updates to the *Compendium*. Suggestions for changes, additions, or deletions to the *Compendium* should be made to DPR. The *Compendium* will be the reference against which county programs are evaluated. County performance can impact the mil assessment distribution money it receives.

The following describes each of the eight volumes of the *Compendium*.

Volume 1: **General Administration of the Pesticide Use Enforcement Program**

General authority; Pesticide Regulatory Activities Monthly report instructions; pesticide use reporting; memorandum of understanding information; county pest control registration; local administration of the Licensing program with interpretations of law or regulation sections relating primarily to the need for one of the various pest control licenses; and general procedures and expectations not specifically covered in other volumes.

General Overview, Continued

Volume 2: Laws and Regulations

Current text of pesticide-related laws and regulations, including excerpts from Food and Agricultural Code (FAC) laws and Title 3, California Code of Regulations (3 CCR); Business and Professions Code provisions and Title 16 (16 CCR) regulations; Health and Safety Code sections (illness reporting, vector control, etc.); and Labor Code sections (farm labor contractors).

Volume 3: Restricted Materials and Permitting

The California Environmental Quality Act (CEQA) and the permit program's Environmental Impact Report (EIR) functional equivalency; permit issuance process and procedures; DPR "recommended" permit conditions; and permit appeals.

Volume 4: Inspection Procedures

Field procedures for pesticide use enforcement inspections and designing a neutral scheme inspection program.

Volume 5: Investigation Procedures

Guidance on planning and conducting pesticide investigations and reporting the findings; preserving evidence; chain of custody; and report writing.

Volume 6: Enforcement Toolbox

Interpretations of law and regulation provisions relating to the enforcement response regulations; making decisions on violations found during an investigation and what action to take; citable sections; regulatory toolbox; decision trees; statute of limitations; and a glossary.

Volume 7: Hearings Source Book

Guidance on how to draft the Notice of Proposed Action (NOPA); conduct administrative civil penalty hearings; adopt final actions; and handling appeals to the director.

Volume 8: Guidelines for Interpreting Pesticide Laws, Regulations, and Labeling

DPR interpretations of various sections of the law and regulations. Guidance on interpreting pesticide labeling, including interpretations of some general and specific labeling statements. It is cross-indexed by subject and section of the law or regulation addressed.

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