

Compliance Action Section, Continued

**General
information**
(continued)

FAC § 11737 provides the CAC the authority to cease the operation of any equipment or facility that is unsuitable. (See chart below for scope and limitations).

FAC § 11897 and § 13102 provide the CAC with the authority to cease operations of a pesticide-related activity that creates an “immediate or imminent hazard.” FAC § 13102 applies to all persons; FAC § 11897 applies only to licensees. FAC § 11737 applies to all persons but does not require that an immediate hazard be present or imminent. See the table below for information on these three laws

If an inspected pesticide-related activity is stopped using any of the cease and desist sections, the inspector should circle the appropriate number, check the “YES” box, and document the reason(s) for the order and the conditions for resuming operation in the “Remarks” section.

Orders pursuant to FAC § 11897 and § 13102 may be appealed to the director, thus DPR requests that these orders be documented fully on the inspection form and separately on either a Violation Notice (VN) or in a letter on CAC letterhead.

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Compliance Action Section, Continued

General information
(continued)

The following chart provides information on FAC § 11897, § 13102, and § 11737. The commissioner and county counsel should provide CAC staff with direction on the use of these laws.

Law	Name	Appeal Process	Action	Does Not Apply To:	Comment
FAC § 11897 Applies to Division 6 CFAC § 11401 - § 12408 and related regulations	Cease and Desist Order	Yes To DPR Director	Used to stop licensee actions that are creating an immediate hazard or irreparable damage.	Activities that do not require a license.	Need to document on a Violation Notice or in a letter Describe the immediate or imminent hazard
FAC § 13102 Applies to Division 7 FAC§ 12500 - § 15340 and related regulations	Cease and Desist Order	Yes To DPR Director	Used to stop an activity by any person that is creating an immediate hazard or irreparable damage. (This is the only C&D section that can be used for structural pest control companies).		Need to document on a Violation Notice or in a letter Describe the immediate or imminent hazard
FAC § 11737 Applies to Division 6 & 7 (FAC § 12501 - § 15340) and related regulations	Cease and Desist Order	No, but if order is violated, CAC can bring an action in Superior Court	Used to order any person to cease operation of any equipment or facility which is unsuitable or being operated: <ul style="list-style-type: none"> • By an incompetent or unqualified person • In violation of laws or regulations 	<ul style="list-style-type: none"> • Structural pest control • Incidental Seed Treatment • Live capture/removal/exclusion of bees, wasps, vertebrates • Household/Industrial Sanitation • Preservative treatments of fabrics or structural materials 	Document reason(s) for issuing the Cease and Desist Order in “Remarks” section May also issue a Violation Notice or letter