

Pesticide Regulatory Activities Monthly Report Instructions

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[Appendix A](#) – Timeline for submitting County Data for the California Statewide Pesticide Regulatory Activities Monthly Report (PRAMR)

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Pesticide Regulatory Activities Monthly Report Instructions

Overview

Date September 1, 2010

Purpose This document provides instructions to the California Agricultural Commissioners (CAC) office for completing the 14 sections of the Pesticide Regulatory Activities Monthly Report (PRAMR), PR-ENF-099 (Rev. 3/03).

Sections interpreted Title 3, California Code of Regulations (3 CCR) section 6392, requires each county to submit a monthly report supporting the administration and enforcement of their pesticide regulatory program. The monthly report shall be submitted within 30 days after the end of each month to:

Department of Pesticide Regulation
Enforcement Branch – PRAMR Unit
1001 I Street, MS 3B
P.O. Box 4015
Sacramento, California 95812-4015

Introduction The Pesticide Regulatory Activities Monthly Report is used by the Department of Pesticide Regulation (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. The PRAMR is **NOT** used to record work completed for any other county operated program such as nursery inspection, vertebrate and weed control, or sales of pesticides.

Continued on next page

Overview, Continued

Changes to this version

The following requirements have been changed from the previous instructions dated January 2010:

- Report only the number of **complete** inspections for each inspection type. This includes follow-up inspections where all inspection criteria have been completed.
 - Report the total number of non-compliances (violations) for **all** inspections including partial/ follow-up, unattended tarp/aeration, and other inspections for each inspection type.
 - Report the total number of licensed work hours for **all** inspections including partial, follow-up, unattended tarp/aeration, and other inspections for each inspection type.
-

PRAMR attachments

The following documents **must** be attached to each PRAMR (at the time of submission):

- All **complete** inspection forms with the exception of the Pesticide Pre-Application Site Evaluation (PR-ENF-102).
- Completed Enforcement/Compliance Action Summaries (PR-ENF-046, Rev. 06/01).

For data entry purposes, please ensure that each inspection and summary form is complete and legible.

General Instructions

**PRAMR
header**

The table below outlines instructions for completing the header portion of the PRAMR:

Field Name	Action
County Name	Write the county name; do NOT write the county number.
Contact Person	Write the name of the person responsible for filling out the PRAMR or the person to whom questions can be directed.
Telephone Number	Write the telephone number, including area code, of the contact person.
Report Month	Write the month by name; abbreviations are acceptable, such as July or Jul.
Fiscal Year	Write the complete fiscal year, such as 2010/2011, 10/11, or 10-11

Continued on next page

General Instructions, Continued

Time line for recording hours/activities

Report hours and activities on PRAMR according to the table below:

Sections	Applicable to Number of:	When to Record on the PRAMR
All	Hours Expended (Licensed Work Hours, Support Hours, Non-Licensed Hours)	In the month expended
I – III	Complete inspections and Non-compliances from all inspections (Total per each inspection form)	In the month completed
IV	Restricted Materials Permits Notices of Intent Annual Total Sites Annual Total Multi-Year Permits	In the month issued In the month reviewed Annually (June) Annually (June)
V	Investigations	In the month completed
VI	License/Certificate Registrations Operator ID Numbers Structural Operator Registrations Private Applicator Exams	In the month registered In the month issued In the month registered In the month taken
VII	Training and Outreach Sessions Persons Attended	In the month conducted In the month attended
VIII-IX	Compliance/Enforcement Actions	In the month closed at the county

Licensed work hours for all sections

DPR disburses a portion of the mill assessment revenues based on the total number of work hours expended on pesticide related activities that are agreed upon by the Director and the commissioner provided the work hours are expended by:

- Persons holding a Pesticide Regulation and/or Investigation and Environmental Monitoring license, or by
- Unlicensed persons qualified to apply for a Pesticide Regulation and/or Investigation and Environmental Monitoring license who are closely supervised by persons holding a Pesticide Regulation and/or Investigation and Environmental Monitoring license [3 CCR section 6393(b)(4)]

General Instructions Sections I, II, and III

Introduction

The following information pertains to Sections I, II, and III of the PRAMR, PR-ENF-099, Rev. 03/03.

- Report the number of **complete** inspections for each inspection type; report the number of licensed hours and the number of non-compliances for **all** inspections.
 - Submit all **complete** inspections, including complete follow-up inspections.
 - Do not submit Pesticide Pre-Application Site Evaluation (PR-ENF-102), partial/follow-up, unattended tarp/aeration, or other inspections.
-

Recording number of inspections and non-compliances

DPR disburses a portion of the mill assessment revenues based on the total number of **complete** pesticide use enforcement program inspections completed in accordance with the prioritization plan agreed upon by the Director, the commissioners, and the commissioner's negotiated work plans [3 CCR section 6393(b)(1)].

Counties are required to report the number of **complete** and the number of non-compliances for all inspections including partial, follow-up, unattended tarp/aeration, and other inspections.

Note: See the Pesticide Use Enforcement Program Standards Compendium (Compendium), Volume 4, Inspection Procedures Manual, for the definition of complete, partial and follow-up inspections.

Recording number of hours

Record the total number of licensed work hours according to each inspection type. Include time expended conducting both complete and partial inspections.

Section I. Pesticide Use Monitoring Inspections

Introduction This section describes when Pesticide Use Monitoring Inspections (PUMI), non-compliances, and hours may be recorded on PRAMR. See Compendium, Volume 4, Inspection Procedures, for information on inspection criteria.

- **Line A:** Record the number of licensed work hours, inspections and non-compliances from each inspection.
 - **Lines B–G:** Record the number of complete inspections and the number of non-compliances for all inspections.
-

Line A **Pesticide pre-application (Restricted Materials Only), PR-ENF-102**

Pesticide pre-application site evaluation inspections may only be counted if they are conducted to evaluate a Notice of Intent (NOI) to apply a restricted material. If required by regulation, pre-application site evaluations include a review of the written recommendation. Do not report inspections that are pending review of the recommendation until the recommendation has been reviewed.

The number of hours expended for pre-application inspections may include activities such as:

- Permit review
 - Recommendation review
 - Travel to/from site
 - Site Evaluation
-

Line B Line B: PUMI Application: Property Operator and Pest Control Business, PR-ENF-104

- This category applies to property operators and businesses that conduct pest control for hire.
-

Line C Line C: Field Fumigations Use Monitoring, PR-ENF-106

- The “field” category includes all outdoor and greenhouse fumigations where the soil is fumigated in place.
-

Line D Line D: Commodity Fumigation Use Monitoring, PR-ENF-105

- The “commodity” category includes all fumigations where the “enclosed spaces” provisions apply.
-

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Section I. Pesticide Use Monitoring Inspections, Continued

Line E	<p>Line E: Field Worker Safety, PR-ENF-103</p> <ul style="list-style-type: none">• Submit only field worker safety inspections that are conducted in “<u>treated fields</u>”. This includes complete and partial inspections.• If the inspection took place in an untreated field, it is not a field worker safety inspection and the inspection should not be submitted to DPR. Report only the hours.• If the inspection is a “follow-up” inspection in an untreated field, be sure to mark the inspection form as a “follow-up”. This inspection may be submitted to DPR and the hours may be reported. <p>Include the hours for field worker safety inspections conducted in both treated and untreated fields.</p> <p>Refer to 3CCR section 6000 for the definition of field and treated field.</p> <p>Refer to the Compendium, Volume 4, Inspection Procedures Manual, for more specific information, particularly on determining a treated field.</p>
Line F	<p>Line B: PUMI Mix/Load: Property Operator and Pest Control Business, PR-ENF-104</p> <ul style="list-style-type: none">• This category applies to property operators and businesses that conduct pest control for hire.
Line G	<p>“Other” inspections are those that do not fit into any of the above inspection categories. Examples of “Other” inspections include:</p> <ul style="list-style-type: none">• Rice Herbicide Water Holding• Applications made by CDFR or other government agencies when the agency employee conducts the application on property not under their control <p>Document “Other” inspections on Page 2, Section I, Pesticide Use Monitoring Inspection: G – Other.</p>
Total	<p>Record the total number of licensed work hours for each inspection for Lines A – G.</p>

Section II. Pest Control Records Inspections

Introduction This section describes when pest control records inspections, non-compliances, and hours may be counted on PRAMR. See Compendium, Volume 4, Inspection Procedures, for information on pest control records inspection criteria.

Lines A-F: Record the number of complete inspections and the number of non-compliances for all inspections.

Line A Line A: Business Records, PR-ENF-110

This category applies to businesses that conduct pest control for hire; structural pest control business records are reported in Section III.

Line B Line B: Headquarter/Employee Safety Business – PR-ENF-110

This category applies only to licensed pest control businesses that have employees; structural pest control business headquarter/employee safety inspections are reported in Section III; entities other than pest control businesses fall into the “Other” category.

Line C Line C: Dealer Records/Storage Inspections, PR-ENF-109

- Submit dealer records inspections that are conducted on dealers who are actively selling restricted materials or agricultural use pesticides. This includes inspections on dealers who have sold pesticides within the last two years and it has been two years since their last inspection.
- If the dealer has not sold restricted materials or agricultural use pesticides within the last two years, do not submit the inspection. Report only the hours.

Include hours conducted on all dealers, including those who are actively **and** not actively selling restricted materials or agricultural use pesticides.

Continued on next page

Section II. Pest Control Records Inspections, Continued

Line D

Line D: Pest Control Adviser Records Inspection, PR-ENF-109

- Submit pest control adviser records inspections that are conducted on advisers registered in your county actively writing recommendations. This includes inspections on advisers who were registered within your county and wrote recommendations within the last years, and it has been two years since their last inspection.
- If the adviser has not written recommendations within the last two years, do not submit the inspection. Report only the hours.
- Do not include hours when reviewing recommendations as part of a pesticide pre-application site inspection (PR-ENF-102).

Include hours conducted on advisers who have written recommendations, as well as those who have not written a recommendation, within the last two years.

Line E

Line E: Headquarters/Employee Safety – Production Agriculture, Form PR-ENF-109

Production agriculture headquarter/employee safety inspections include:

- Employers with employees who handle agricultural and non-agricultural pesticides
 - Employers with employees who enter treated fields
 - Certified applicators who apply restricted materials for their own use
-

Line F

Line F: Headquarters/Employee Safety – Other, PR-ENF-109

“Other” inspections apply to:

- Employers, other than production agriculture, with employees who handle pesticides
 - Certified applicators employed by city/county parks, schools, golf courses, grain processing mills, etc. who apply restricted materials for their own use.
-

Total

Record the total number of licensed work hours for Lines A-F.

Section III. Structural Pest Control Inspections

Introduction The structural pest control inspections include Branch I, II, and III. Structural Branch I fumigations have three distinct phases: application, aeration and tarp. See Compendium, Volume 4, Inspection Procedures, for more information on Structural Fumigation Use Monitoring Inspections Branch 1, 2, and 3.

Submit all structural inspections, including application, aeration, and tarp.

Also submit those inspections conducted under the “Structural Fumigation Enforcement Program”. As of January 1, 2010, Los Angeles, Orange, San Diego and Santa Clara Counties are the only counties participating in this program.

Lines A-E: Record the number of complete inspections and the number of non-compliances for all inspections.

Lines A, B, and C Line A: Fumigations, Branch 1, PR-ENF-107
Line B: Applications, Branch 2/3, PR-ENF-108
Line C: Mix/Load, Branch 2/3, PR-ENF-108

Record the number of licensed work hours for each inspection type and by structural pest control category for Branch 2 and Branch 3.

Lines D and E Line D: Headquarters/Employee Safety – Business, PR-ENF-110

The headquarters/employee safety inspection category applies only to licensed structural pest control businesses that have employees. This category does not include certified private applicators, agricultural pest control businesses licensed by DPR, and “Others” as defined in Section II.

Line E: Business Records

The business records inspection category applies to businesses that conduct structural pest control for hire, not agricultural pest control businesses licensed by DPR.

Record the number of licensed work hours.

Total Record the total number of licensed work hours for lines A-E.

Section IV. Restricted Materials

Introduction

DPR disburses a portion of the mill assessment revenues based on the total number of restricted materials permits (permits) and permit amendments issued by each county; sites identified on all permits and permit amendments; Notices of Intent (NOI) reviewed; and for the work hours expended by licensed staff [3 CCR section 6393(b)(7)]. Permits, permit amendments, and NOIs must be evaluated or issued by licensed staff.

Support staff may only perform office management tasks (i.e., date-stamp, organize, file, data entry) for the permits and NOIs and complete the "A" portion of a restricted material permit application. Work hours expended by support or clerical staff must be reported in Section XIV. C. "Support Hours."

Calculating the number of hours for permit issuance and denials

For the "Number of Hours" column, time expended for Permits Issued/Denied may include activities such as:

- Initial permit issuance process
 - Permit supplements/denials
 - Changes to permits based upon NOI review/pre-application inspection
 - Travel by licensed CAC staff for permit issuance
-

Calculating the number of hours for NOI review

For the "Number of Hours" column, time expended for NOIs Reviewed/Denied may include activities such as:

- Collecting and sorting NOIs
 - Comparison to pesticide labels
 - Comparison to permits
 - Selection of 5% potential sites for pre-application inspections
-

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Section IV. Restricted Materials, Continued

Lines A and B

A. Agricultural Permits

B. Non-Agricultural Permits

Report only new permits and permit amendments issued each month, including new multi-year permits. Amendments made to a single permit count as one permit issued regardless of the number or type of changes.

Report the number of **documented** permit denials. If separate decision-making processes are used for different chemicals, each one is considered a denial.

Updating a permit to remove pesticides no longer used by the permittee, or pesticides no longer registered or allowed to be used on specific commodities, is not considered a permit denial.

Report “possession only” permits issued to property operators on a Restricted Material Permit form. Do not report “possession only” permits issued to licensed pest control businesses.

Report the number of hours, total permits issued and denied for agricultural permits and non-agricultural permits.

See the Compendium, Volume 3, Restricted Materials and Permitting, for more information on documentation for permits and denials.

Line C

C. Total Number Permits Issued/Denied

Report the total permits issued and permits denied for agricultural and non-agricultural permits (A + B).

Continued on next page

Section IV. Restricted Materials, Continued

Line D **D. Notice of Intent (NOI) Reviewed**

Report the number of hours for NOI review and the total number of restricted agricultural use (production agriculture and non-production agriculture) NOIs issued and denied.

One NOI is equal to one application to one site (location) regardless of the number of pesticides included in a tank mix.

Each monthly NOI received for on-going applications (such as fungicide treatments, vertebrate pest control, spot weed control, landscape maintenance, etc.) should be recorded as one NOI if specific and distinct locations are not identified.

- **Do not** report NOIs for restricted material applications for non-agricultural use (industrial, institutional, structural, etc.).
- **Do not** report NOIs received for non-restricted material applications.

Record the total number of licensed work hours.

Total Record licensed work hours (A + B + D).

Line E **E. Annual Total Sites**

Report the total number of sites **annually** (i.e., site IDs) on the **June** report. **Do not** report monthly. The total number of sites includes those identified on all valid permits and permit amendments issued during the fiscal year, as well as those on valid multi-year permits issued prior to the current fiscal year.

Do not include sites identified on an Operator Identification form.

Continued on next page

Section IV. Restricted Materials, Continued

Line F

F. Annual Total Multi-Year Restricted Material Permits

Report the total number of multi-year permits from the two previous fiscal years as long as the permit was active within the current fiscal year. Report this criteria item **annually** on the **June** report, not monthly.

- **Do not** include "new" multi-year restricted material permits issued in the current fiscal year. DPR will add all "new" restricted material permits to the number of valid multi-year permits for a total of all valid restricted material permits for that fiscal year.
- **Do not** include "multi-year" operator identification issuances. Refer to Line E in Section VI.

Example: Reporting Total Multi-Year Permits for Current FY 2009-10

Multi-Year Permits Issued in Fiscal Year	When to Report	Where to report on PRAMR
2009-10	Monthly	Line A
2008-09	Annually – June 2009	Line F
2007-08	Annually – June 2009	Line F

The total number of multi-year permits reported in June 2010 would be the sum of multi-year permits issued in 2008-09 and 2007-08 with an expiration date of December 31, 2009, December 31, 2010 or December 31, 2011.

Section V. Investigations

General instructions

DPR and CACs have the responsibility and authority to investigate episodes that may involve potential or actual human illness or injury, property damage, loss or contamination, and environmental effects alleged to be the result of the use or presence of a pesticide. The local CAC usually conducts these investigations.

DPR disburses a portion of the mill assessment based on the number of hours expended on pesticide-related activities agreed upon by the Director and the commissioner that are conducted by licensed staff [3CCR section 6393(b)(4)].

Counting investigations

Total investigations include routine and priority investigations. Report the total number of investigations completed in each category under the column, "Total Investigations."

Routine investigations are those that do NOT meet priority effects criteria established by DPR, the California Agricultural Commissioners and Sealers Association (CACASA) and U.S. Environmental Protection Agency (USEPA).

Example: You report ten completed investigations under the "Total Investigations" column for "Human Effects – Agricultural." Of this total, you investigated eight routine and two priority investigations. Report the two priority investigations in the second column under "Priorities."

Priority investigations are those that have been assigned a priority case number by DPR because they meet one or more of the priority investigation effects criteria established through a cooperative agreement between DPR/CACASA/USEPA. Report the priority case number(s) on the back of the PRAMR under Section V, part D.

Do not count each person involved in the episode as a priority investigation. Example: A pesticide involving ten persons would be counted as one priority investigation.

A priority investigation with "multiple" effects (such as human, environmental effects and economic loss) is to be reported as one priority investigation. Record the investigation on the line that best reflects the most obvious effect.

Continued on next page

Section V. Investigations, Continued

Line A

A. Human Effects

Human effects investigations involve human illnesses, injuries, and exposures to pesticides. Examples include doctors' reports of occupational or non-occupational illnesses or injuries, complaints from employees, field workers, and citizens alleging exposure or illness from pesticide drift or residue.

Report the investigations in the appropriate "Human Effects" category: agricultural, anti-microbial, structural, or other. "Human Effects-Other" includes episodes involving maintenance gardeners and persons in industrial/institutional settings exposed to pesticides other than anti-microbial pesticides.

Line B

B. Environmental Effects

Environmental effects investigations involve pesticide contamination, symptoms, or damage to the environment. Examples include air or land contamination, wildlife losses, pesticide-related fires, spills, and subsequent evacuations of surrounding areas. **Do not** report human illnesses resulting from an environmental effect in this category; report items in the appropriate category under "Human Effects."

Line C

C. Property Loss Damage

Property loss damage investigations include those where property is lost or damaged due to pesticide mishandling, non-performance, or phytotoxicity. Examples include bee kills, illegal residues on crops, crop yield losses, and residential landscape damage.

Line D

D. Other

Special incidents such as episodes within Oregon, Nevada, Arizona, or tribal land that have effects in California; endangered species; and pest control equipment accidents that occur while handling pesticides are identified as "Other." For these types of investigations, report the total number and briefly describe them (title, pesticide, date completed) in Section V. Investigations, D. Other, on page two of the PRAMR.

Total

Report the total licensed works hours for lines A - D.

Section VI. License/Certificate Registration/I.D. Numbers

Introduction DPR disburses mill assessment revenues for the total number of licensed pest control dealers located in each county; licensed pest control advisers, pest control businesses, pest control aircraft pilots, farm labor contractors and structural pest control operators registered in each county; active operator identification numbers in each county and any additional similar workload activities approved jointly by the Director and the commissioners and; the total number of private applicator certificate holders certified in each county [3 CCR sections 6393(b)(2) and (3)].

For all categories include “in-person” and “mail-in” registrations.

Line A **A. Agricultural Pest Control Business**

Includes agricultural pest control, maintenance gardener pest control, and fee-exempt pest control businesses. **Do not** include structural pest control businesses.

Do not report the number of qualified applicator certificate holders (QACs) or qualified applicator licensees (QALs) designated as the responsible person for each business location.

Line B **B. Agricultural Pest Control Adviser**

Report the number of agricultural pest control advisers registered.

Line C **C. Pest Control Aircraft Pilot**

Report the number of pest control aircraft pilots (includes apprentice and journeymen pest control pilots) registered.

Line D **D. Farm Labor Contractor**

Report the number of farm labor contractors registered.

Continued on next page

Section VI. License/Certificate Registration/ I.D. Numbers

Continued

Line E **E. Operator Identification Numbers**

Report the total number of new operator identification (OP ID) numbers issued for non-restricted pesticide use each month, including new multi-year OP IDs.

Report the total number of county valid multi-year OP IDs issued prior to the beginning of the current fiscal year. This number should be added to the number of new operator OP IDs issued in June.

Do not include “multi-year” restricted material permits. Refer to Line F. in Section IV.

Example: Reporting Operator ID Numbers in June

OP IDs Issued in Fiscal Year	When to Report	Where to report on PRAMR
June 2009-10	June	
2008-09	Annually –June 2009	
2007-08	Annually – June 2009	
Total		Line E

The total number of operator IDs reported in June 2010 would be the sum of OP IDs issued in June 2010 plus multi-year OP IDs issued in 2008-09, and 2007-08 with an expiration date of December 31, 2009, December 31, 2010 or December 31, 2011.

Line F **F. Structural Operator Notice**

Report the number of structural pest control businesses registered.

Subtotal Report the subtotal of lines A-F.

Continued on next page

Section VI. License/Certificate Registration/I.D. Numbers

Continued

Line G

G. Private Applicators

Report only the new and renewal certifications issued in the reporting month on the appropriate line. Since private applicator certifications are valid for three years, for mill assessment purposes, DPR will add the two previous fiscal year totals to the current total for a grand total of all valid private applicator certifications in each county. **Do not** report persons who have been “qualified” to train pesticide handler or field worker employees.

Line 1

1. Private Applicators - Re-certified (Continuing Education Hours)

Certified private applicators may apply to renew their certification (re-certify) after they obtain six hours of continuing education during the valid period of their certificate. They may submit their completed application (PR-PML-045) with proof of completing the continuing education hours no sooner than 120 days prior to, and no later than 90 days after, the certificate expiration date. Only report on the PRAMR those re-certifications for which documentation of continuing education has been provided and approved by the CAC.

Line 2

2. Private Applicators - Re-certified (Examination)

Certified private applicators may apply to renew their certification (re-certify) by taking the private applicator re-certification examination. They may submit their completed application (PR-PML-045) no sooner than 120 days prior to, and no later than 90 days after the certificate expiration date. **Do not** count as new if the individual already possesses a private applicator certification number.

Line 3

3. Private Applicator - Certified - New

Individuals passing the private applicator examination for the initial time are to be recorded as new certifications. Individuals who fail to renew their private applicator certification within 90 days of the date of expiration must take the private applicator examination (not the re-certification examination). In this case, record as a new certification.

Continued on next page

Section VI. License/Certificate Registration/I.D. Numbers

Continued

Line 4

4. Private Applicator - Failed Examination

Record the number of failed exam(s) in the month the exam(s) was given. An individual could take and fail an examination more than once in a reporting month.

Subtotal

Line G1 – G4

Total

Report the total licensed work hours for Lines A – G.

Section VII. Training and Outreach

General instructions

Pesticide regulatory training and outreach activities are provided to licensees, grower/operators, the general public and persons or groups such as government agencies (other than county use enforcement staff) and industry organizations. The content of the training must be related to pesticide regulatory requirements.

Report all work hours expended on training and outreach activities, including preparation and travel time, in the month the hours are expended.

Report the total number of sessions conducted and the total number of persons in attendance for each criteria type (A through D) in the month the sessions occurred. **Do not** include routine "roundtable" discussions, inspections, meetings, committees, media interviews, or training of county use enforcement staff.

Report the number of hours associated with formal training sessions solely conducted for county pesticide regulatory staff in Section XIV B. - Other Licensed Enforcement Hours.

Line A

A. Licensees

Includes pesticide regulatory training provided to licensees (dealers, advisers, pilots, and employees of licensed pest control businesses).

Report the number of sessions and persons.

Line B

B. Grower/Operators

Includes pesticide regulatory training provided to growers, property operators, or their employees. Examples include employee safety training requirements, the restricted material permit system, or pesticide use reporting and record keeping.

Report the number of sessions and persons.

Continued on next page

Section VII. Training and Outreach, Continued

Line C

C. Public Education

Includes training provided to the general public and academic institutions about the various aspects of the pesticide regulatory program.

Report the number of sessions and persons.

Line D

D. Other

Includes training provided to persons or groups not specified above, such as government agencies (other than county use enforcement staff) and industry organizations. Identify the recipients of the session and the nature of the training or outreach (i.e., lectures, field days, workshops, etc.) in Section VII – page two of the PRAMR.

Report the number of sessions and persons.

Total

Report the total licensed work hours for Lines A – D.

Section VIII. Compliance Actions

General instructions

Compliance actions notify a person or business that a violation(s) of pesticide laws or regulations has occurred. A compliance action provides a written record that a violation(s) occurred and is not, by itself, an administrative enforcement action. A compliance action may be one of the following:

- Warning letter
- Violation notice
- Inspection form or Violation Notice (PR-ENF-101)
- Cease and Desist Order
- Documented compliance interview.

Report the total number of each type of compliance action in the month closed at the county.

Line A

A. Warning Letters/Violation Notices

Warning Letters

Warning letters are written on county letterhead or on a form to notify a responsible person or business that non-compliances were observed, typically while the county was conducting an inspection or investigation. The letter documents that further action may be initiated if compliance is not obtained. Inspection reports with "Warning" or similar wording written across the face page cannot be counted as warning letters.

To be considered complete, a warning letter must include the violator's name, date of incident, and all appropriate law/regulation sections violated.

Continued on next page

Section VIII. Compliance Actions, Continued

Line A
(continued)

Violation Notice

A violation notice is a record that a violation occurred and may be either:

1. An inspection form with a violation notice box checked “Yes” and either a county-issued number or the serial number of the inspection form written on the line provided.

Some inspection forms have two violation notice boxes, one for the business and the other for the individual. Count each separately, if completed as directed in the above paragraph.

2. A Violation Notice form (PR-ENF-101)

To be considered complete, the violation notice must have all header and general information filled in, all applicable law / regulation sections identified, provide a violation narrative, and contain the violator’s and inspector’s printed name and signature.

Line B

B. Cease and Desist Orders

The cease and desist order is a type of immediate corrective action that serves as a directive to stop hazardous or potentially harmful activities. A cease and desist order may be issued by means of one of the following:

1. An inspection form with the cease and desist box checked “Yes” and an explanation providing the reason for issuing, and the conditions for resuming activities in the Remarks Section of the inspection form.
2. A Violation Notice, PR-ENF-101, if the Cease and Desist Order box has been checked to indicated the form is being used as a cease and desist order, not as a violation notice.

PR-ENF-101 must be completed as explained in Section VIII, Part A, Violation Notice with an explanation providing the reason for issuing, and the conditions for resuming activities in the Remarks Section of the inspection form.

3. A cease and desist order written on county letterhead with an explanation providing the reason for issuing, the conditions for resuming activities in the narrative section with the violator’s and inspector’s printed name and signature.

A cease and desist order cannot be counted as a violation notice.

Continued on next page

Section VIII. Compliance Actions, Continued

Line C

C. Documented Compliance Interviews

The documented compliance interview is an information-gathering office interview conducted to evaluate and question the responsible person(s) about non-compliances found during investigations or inspections. The documented compliance interview, alone, is not an administrative or enforcement action.

Documented compliance interviews are written on county letterhead or on a county form to provide a summary of the interview.

A documented compliance interview must include the date, time, location, parties present, activity which precipitated the interview, non-compliance or violation, and proposed corrective actions. The summary of the interview is typically mailed to the parties that were present.

Report the total number of compliance interviews completed in the month closed at the county.

Total

Report the total licensed work hours and compliance actions for lines A-C.

Include hours associated with preparation of decision reports.

Section IX. Enforcement Actions

General instructions

Enforcement actions are procedures or methods taken as a result of violations found during inspections, observations, or investigations. All reported enforcement actions must be substantiated with retrievable documentation to verify each action taken.

Report the total number of enforcement actions for each category listed on the PRAMR: A-Administrative Actions, B-Judicial Actions, and C-Referrals to DPR.

Submit an Enforcement/Compliance Action Summary (PR-ENF-046) along with the PRAMR for all completed administrative and judicial actions in the month the enforcement action is completed in the county.

Line A

A. Administrative Actions (Items 1 - 5)

Administrative actions (suspension, revocation, refusal, civil penalties) require due process procedures. The person who is the subject of an administrative action may either agree to the action or appeal for a hearing. Administrative actions that are appealed for a hearing are not completed until the commissioner conducts a hearing and/or issues a written decision.

Report completed administrative actions under one of the following subcategories:

Line 1

1. Restricted Materials Permit

Action against a permit includes refusal, suspension, or revocation of all or one material listed on the permit. Pesticide product cancellation or suspension actions initiated by U.S. EPA or DPR are not permit actions.

Report the total number of actions taken on restricted materials permits.

Continued on next page

Section IX. Enforcement Actions, Continued

Line 2 **2. Private Applicator Certifications**

Action against a private applicator certification to apply restricted materials includes suspension, refusal, or revocation of the certification.

Report the total number of actions taken on private applicator certifications.

Line 3 **3. County Registrations**

Action against a licensee's county registration includes refusal, revocation, or suspension.

Report the total number of actions taken on county registrations.

Line 4 **4. Structural Civil Penalties**

Structural civil penalties are fines levied by commissioners against structural pest control operators in accordance with established procedures and penalty guidelines found in Business and Professions Code (B&P Code) section 8617, 16 CCR section 1922, and Food and Agricultural Code (FAC) section 12999.5.

Report the total number of structural civil penalties.

Line 5 **5. Agricultural Civil Penalties**

Agricultural civil penalties are fines levied by commissioners against pest control businesses, licensees, certificate holders, and other pesticide users in accordance with established procedures and penalty guidelines in FAC section 12999.5 and 3 CCR section 6130. This category excludes cases of violation(s) of the B&P Code or 16 CCR by structural pest control businesses or individual's registered/licensed by the Structural Pest Control Board.

Report the total number of agricultural civil penalties.

Continued on next page

Section IX. Enforcement Actions, Continued

Line B **B. Judicial Actions (Lines 1 - 4)**

Judicial actions are enforcement actions initiated by the commissioner in which the guilt or innocence of the respondent is decided in the courts.

Report judicial actions under one of the following subcategories:

Line 1 **1. Notice to Appear (Citations)**

Notices to appear are direct citations issued to an individual or responsible party as notification of infraction or misdemeanor violation. Report the citation for the month in which it was issued. **Do not** count citations twice (i.e., in the month issued and also the month of final disposition).

Report the total number of notice to appear (citations) taken.

Line 2 **2. Cases Submitted to District Attorney**

Investigative cases prepared by the county for possible action by the District Attorney (DA) must be reported for the month submitted to the DA. Cases submitted to the DA are not considered filed. See lines 3 and 4 for filed cases.

Report the total number cases submitted to the DA.

Line 3 **3. Civil Complaints Filed**

When the DA accepts an investigation for civil prosecution and files formal charges and an accusation, the case is filed.

Report the total number of civil complaints filed with the DA responsible for the formal action/decision. **Do not** report civil actions filed by the State Attorney General (AG).

Continued on next page

Section IX. Enforcement Actions, Continued

Line 4

4. Criminal Complaints Filed

If the DA accepts an investigation for criminal prosecution and files a complaint against the respondent, the case is filed.

Report the total number of criminal complaints filed when the final decision is rendered, not when the case is filed.

Line C

C. Referrals to DPR

Any enforcement action referred to DPR must meet the “Criteria for Determining When to Refer a Case for State Action” (Enforcement Letter ENF 01-45).

Report the total number of actions taken on restricted materials permits.

Total

Report the total licensed work hours for lines A – C.

Include hours associated with case preparation, including making a copy of the case file for the respondent, hearings, appeals and final orders.

Section X. Focused Activity

Section X no longer required

This section is no longer required. **Do not** report any hours.

Section XI – XIII. Specific Type of Hours

General instructions

DPR disburses mill assessment revenues for the work hours expended on the following pesticide-related activities by licensed staff and other staff [3 CCR section 6393(b)(4)]: surveillance, pesticide/hazardous material spill incidents and use report review and follow-up hours.

Section XI. Surveillance Hours

Introduction

Surveillance hours include monitoring for applications of pesticides or for unattended pesticides, surveillance checks for citrus/bee protection requirements, water-holding surveillance of rice herbicides that are not credited with site inspections, and structural application surveillance.

Report total hours.

Section XII. Pesticide/Hazardous Material Spill Hours

Introduction

Pesticide/Hazardous Material Spill hours include time spent containing, identifying, and/or coordinating activities related to the spill incident.

Report total hours.

Section XIII. Use Report Review and Follow-Up Hours

Introduction

Use report review hours include:

- Reviewing pesticide use reports (PURs) for accuracy and completeness
- Reviewing PURs returned from DPR for correction.
- Follow-up of pesticide applicators required to, but failing to “report” pesticide use.

Report total hours.

Section XIV. Total Pesticide Activity Hours

General instructions

DPR disburses mill assessment revenues for the work hours expended on pesticide-related activities that are agreed upon by the Director and the commissioners, provided the work hours are expended by licensed staff [3CCR sections 6393(b)(4)].

Sections I - XIII represent specific pesticide-related activities for which the work hours can be reported and totaled in Section XIV, Part A.

Pesticide-related licensed work hours, other than those reported in Part A, must be reported in either:

- Section XIV. B. Other Licensed Enforcement Hours or
- Section XIV. C. Support Hours

Travel Time. Time spent traveling to and from pesticide-related activities should be reported in the most appropriate section on the PRAMR or in Section XIV. B or C, depending on the staff that is traveling. **Do not** report travel time used for purposes other than pesticide-related activities.

Example: You're traveling to conduct a production agriculture Headquarters/Safety Inspection, a 1.5 hour round trip from your office. While enroute, you are told to stop by a seed company's operation to conduct a certified seed inspection, which takes 30 minutes.

Include the 1.5 hours of travel time to the site for the Headquarters / Employee Safety Inspection, under "Licensed Work Hours" in Section II, "Pest Control Records Inspection." Do not include the 30 minutes spent to conduct the certified seed inspection, since that activity does not fall within a pesticide regulatory program activity.

Line A

A. Licensed Hours Expended for Items I - XIII

Add all hours reported in Sections I – XIII.

Continued on next page

Section XIV. Total Pesticide Activity Hours, Continued

Line B

B. Other Licensed Enforcement Hours (Identify in Remarks)

This section includes licensed hours expended on pesticide-related regulatory activities other than those reported in Sections I-XIII. Examples include: certifying triple-rinsed containers, attending pesticide deputy meetings, preparation and attendance at formal county-sponsored pesticide regulatory training for county employees, pesticide program evaluation, preparing county/enforcement work plans, etc. This section does not include hours expended on programs such as county-operated programs for vertebrate and weed control or sales of pesticides.

Summarize the activities and hours in Section XIV, page two of the PRAMR. Hours not accounted for in the “Remarks” section will be excluded from the total licensed hours for mill assessment disbursement purposes.

Reportable hours for management

Supervisors, managers, or commissioners may:

1. Track the actual hours spent on conducting pesticide regulatory activities and report them in the appropriate section of the PRAMR;
2. Calculate hours worked in the Pesticide Regulatory Program using the formula shown below in Example 1 and report these hours in Section XIV.B. Other Licensed Enforcement Hours; or
3. Use a combination of both reporting methods as shown in Example 2.

Example 1: The annual financial report shows that staff used 25 percent of county staff hours on expenditures for pesticide regulatory activities. To calculate the supervisor’s, manager’s, or commissioner’s licensed work hours, multiply 0.25×168 hours (total hours in the work month) and report 42 hours in Section XIV.B. Other Licensed Enforcement Hours.

Example 2: A manager issued two permits, which took six hours, and wanted to report both the actual hours expended in addition to the formula-calculated hours. The annual financial report shows that staff use 25 percent of county staff hours on expenditures for the pesticide regulatory activities. Use the following calculation:

- Subtract 6 hours from the total hours in the work month:
 $168 \text{ hours} - 6 \text{ hours} = 162 \text{ hours};$
- Multiply 0.25×162 hours (the adjusted work month) = 40.5;
- Report 40.5 hours in Section XIV B., Other Licensed Enforcement Hours and 6 hours in Section IV, Restricted Materials.

Continued on next page

Section XIV. Total Pesticide Activity Hours, Continued

Line B
(continued)

Other licensed work hours that **may** be reported on the PRAMR include activities such as:

- Label review and research
- Responding to general pesticide use questions
- Responding to questions about pesticide labels
- Meetings related to pesticide regulatory program activities

Other licensed work hours that **may not** be reported on the PRAMR include activities such as:

- Proctoring structural pest control examinations
 - Data entry for pesticide use reporting
 - Computer activity not related to pesticide regulatory program activities
-

Licensed hours subtotal

Add the total hours reported for Part A - Licensed Hours Expended I – XIII and Part B - Other Licensed Enforcement Hours.

Line C

C. Support Hours

This section includes hours expended on pesticide-related activities by non-licensed clerical and support staff and staff not qualified to apply for the licenses.

Support hours include hours expended by licensed and non-licensed staff on activities not included in the pesticide regulatory program by agreement of the Director and commissioners. Examples include: date stamping use permits or processing registrations.

Total hours

Add together licensed hours (Parts A + B) and support hours.
