

Department of Pesticide Regulation
Enforcement Branch

SUMMARY OF PESTICIDE USE REGULATORY AUTHORITIES

GENERAL AUTHORITIES	SUMMARY Sections noted are summarized - check full text and context before citing.
GENERAL POWERS – JOINT AUTHORITY FAC §§11452 – 11456 FAC §2281	Outlines general powers of the Department of Pesticide Regulation (DPR) in areas of regulation adoption, inspection authority, licensing, and intergovernmental personnel agreements. The Director of DPR is an executive officer appointed by the Governor and has “head of department” powers (Government Code §11150, et seq.) Joint authority for pesticide use enforcement activities performed by the County Agricultural Commissioner (CAC) under DPR’s direction and supervision.
PESTICIDE USE ENFORCEMENT FAC §12977	Specifies CAC authority to enforce pesticide use enforcement provisions under direction and supervision of DPR.
RESTRICTED MATERIALS FAC §14004	Specifies CAC authority to enforce restricted materials permit provisions under direction and supervision of DPR.
PESTICIDE WORK PLACE FAC §12982	Places responsibility for pesticide safety in the work place with DPR and specifies CAC may enforce provisions under direction and supervision of DPR. Authorizes county health officer and California Department of Health Services involvement.
PEST CONTROL LICENSING FAC §11501.5	CAC may enforce some aspects of the pest control license program under direction and supervision of DPR.
STRUCTURAL PEST CONTROL FAC §15201	Outlines general responsibilities and roles of DPR, Structural Pest Control Board (SPCB), and CACs in licensing and pesticide use for structural pest control activities. CAC authority to regulate pesticide use in structural activities under direction and supervision of DPR.
JOINT AUTHORITIES – RESPONSIBILITIES FAC §2281	<p>CAC responsibilities:</p> <ul style="list-style-type: none"> • Administration of county programs/activities • Follow DPR instructions and recommendations • Develop county priorities jointly with DPR <p>DPR responsibilities:</p> <ul style="list-style-type: none"> • Overall statewide enforcement • Issue instructions and make recommendations to CAC • Develop county priorities jointly with CAC • Assist in planning/developing county programs • Develop cost analysis of county programs/activities • Identify under-funded programs/activities • Report to Legislature

FAC = Food and Agricultural Code BPC = Business and Professions Code CCR = California Code of Regulations § = Section
See Reverse May 9, 2007

Department of Pesticide Regulation
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Pesticide Use Inspection Authorities

Enter and Inspect 3 CCR §6140	<p>The Director or CAC may, during business hours or at any other reasonable time, enter and inspect, and/or sample any of the following or related items to determine compliance with Division 6 and Division 7 of the FAC:</p> <ul style="list-style-type: none"> • Fields, areas, structures, and greenhouses where pesticides are handled/stored/applied; • Growing crops/harvested commodities; • Equipment used to store/transport/handle pesticides; • Protective clothing and equipment; • Change areas/other facilities used by employees; and • Pesticides and tank mixtures. <p>The person responsible for preparing/maintaining records shall make the records available during business hours, upon demand. Required records include:</p> <ul style="list-style-type: none"> • Work hours/training/medical monitoring of employees; • Pest control recommendations/pesticide use operations; and • Pesticide transactions/sales/delivery. <p><i>Authorizing statutes for 3 CCR §6140: FAC §11456 and §12981.</i></p>
Employee Interviews 3 CCR §6141	<p>The Director or CAC may confidentially interview any employee during work hours:</p> <ul style="list-style-type: none"> • When reasonably necessary for an investigation of employee illness(es) suspected of having been caused by a pesticide; or • To investigate a suspected pesticide-related safety violation. <p><i>Authorizing statutes for 3 CCR §6141: FAC §11456 and §12981.</i></p>

STRUCTURAL PEST CONTROL AUTHORITIES FOR INSPECTORS:

Joint Authorities FAC §2281	General Powers FAC §§11452 - 11456	Pesticide Use Enforcement FAC §12977	Pesticide Workplace FAC §12982
Structural Pest Control FAC §15201	Outlines responsibilities and roles of DPR, SPCB, and CACs in licensing and pesticide use for structural pest control activities. Specifies CAC authority to regulate pesticide use in structural activities under direction and supervision of DPR.		
Designation of Representative BPC §8616.4	The Director designates CACs as his/her representatives to carry out the provisions of BPC §§8616.5, 8616.7, and 8617. CACs are not “duly authorized representatives” of the SPCB. The Director shall enter into a contract specifying their responsibilities and providing for reimbursement in accordance with BPC §8505.17 (contract is expressed as a MOU – see below).		
Inspections and Investigations BPC §8616.5	CACs are the lead agencies in inspections and investigations of pesticide use by board licensees and registered companies. Exceptions apply, but they relate solely to interagency roles in specific situations.		
Violations BPC §8617 16 CCR §1922.3	CACs, when acting pursuant to BPC §8616.4, may suspend the right to work, fine, or require course attendance by board licensees or registered companies.		
Memoranda of Understanding (MOU/contract)	There is a MOU (contract) between DPR, the California Agricultural Commissioners and Sealers Association (represents CACs), and the SPCB of the California Department of Consumer Affairs, as required by BPC §8616.4. The MOU describes roles, responsibilities, and reimbursement requirements.		