## Enforcement Actions - Enforcement Actions Contain a Penalty

<table>
<thead>
<tr>
<th>ACTION</th>
<th>AFFECTED PARTY</th>
<th>AGENCY</th>
<th>PENALTY AND AUTHORITY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Administrative Penalty</strong></td>
<td>Administrative penalties are initiated by a CAC under DPR’s Agricultural Civil Penalty (ACP) or Structural Civil Penalty (SCP) Programs, depending on violation(s) and/or licensing status. The Director may initiate administrative penalties for certain violations.</td>
<td></td>
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<tr>
<td>Violators of certain state pesticide laws and regulations or Labor Code §1696 and violations who are structural pest control licensees and businesses</td>
<td>CAC or DPR</td>
<td>Agricultural Civil Penalty - CAC can levy penalties up to $5,000 per violation. FAC §§12999.5, 15204, 15204.5; 3 CCR §§ 6128 - 6130 Each person injured constitutes a separate violation FAC § 12996.5; or, the CAC may refuse to issue a permit when a violator does not pay a penalty or follow a lawful order of the CAC. FAC § 12999.5</td>
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</tr>
<tr>
<td>Violators of certain state pesticide laws and regulations or Labor Code §1696 and violations who are structural pest control licensees and businesses</td>
<td>CAC or SPCB</td>
<td>Structural Civil Penalty - CAC can levy penalties up to $5,000 per violation or suspend right to work up to three working days per violation or require course attendance. FAC §15202; BPC §8617; 16 CCR §1922</td>
<td></td>
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<tr>
<td>DPR</td>
<td>Director - The Director can levy penalties up to $5,000 per violation for certain violations. FAC §12999.4</td>
<td></td>
<td><strong>Disciplinary Action</strong></td>
</tr>
<tr>
<td>Licensees, certificate holders and permit holders</td>
<td>CAC</td>
<td>Refuse, revoke, or suspend county registration (section depends on license or certificate). Refuse, revoke, or suspend restricted materials permit. FAC §§ 11512.5 and 14008</td>
<td></td>
</tr>
<tr>
<td>Licensees/license holders</td>
<td>DPR</td>
<td>Refuse, revoke, or suspend license and/or certificate (section depends on type of license or certificate).</td>
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</tr>
<tr>
<td><strong>Court Action, Civil</strong></td>
<td>Any violator of state pesticide laws and regulations</td>
<td>DPR or SPCB</td>
<td>Division 6 and 3 CCR Violations: $1,000 - $10,000 per violation. FAC §11893</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CAC or DPR</td>
<td>Division 7 and 3 CCR Violations: $1,000 - $25,000 per violation. FAC §12998</td>
</tr>
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<td>May seek to enjoin the violation or threatened violation of orders issued pursuant to Division 7, and performance of specific acts to protect persons, animals, crops or property. FAC §13000.1</td>
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<td>The Director (or SPCB) may initiate a civil court action through the Office of the Attorney General. The Director may also consider CAC requests for DPR to initiate civil court action.</td>
</tr>
<tr>
<td><strong>Court Action, Criminal</strong></td>
<td>Any violator of state pesticide laws and regulations</td>
<td>District Attorney, City Attorney or Circuit Prosecutor</td>
<td>Division 6 and 3 CCR Violations: $500 - $5,000 per violation and/or 10 days to 6 months imprisonment. FAC §11891</td>
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<tr>
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<td></td>
<td>Division 7 and 3 CCR Violations: $500 - $50,000 per violation and/or up to one-year imprisonment. FAC §12996</td>
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<td></td>
<td>The Director may request a District/City Attorney/Circuit Prosecutor to initiate a criminal action. The Director may also consider CAC requests for DPR to initiate criminal action, or request a CAC to initiate criminal action. Criminal action generally is limited to cases where a violation is egregious or of statewide significance.</td>
</tr>
</tbody>
</table>

### Statute of Limitations for Administrative Civil Penalty Actions

- **Penalty Actions Initiated by CAC - FAC §12999.5 or Other Provisions**: CAC has two years from occurrence of the violation to initiate an action. When a CAC submits a completed investigation to the Director for action by the Director or the Attorney General, the action shall be initiated within one year of that submission. FAC §13000
- **Penalty Actions Initiated by the Director - FAC §12999.4**: Director has four years from occurrence of certain violations. FAC §§12892 and 13000(b)
- **Penalty Actions Initiated by CAC - BPC §8617**: CAC has one year from occurrence of the violation. Code of Civil Procedure §340

### Abbreviations and Terms

- BPC = Business and professions code
- CAC = County Agricultural Commissioner
- CCR = California Code of Regulations (3 CCR = Title 3; 16 CCR = Title 16)
- DPR = California Department of Pesticide Regulation
- SPCB = Structural Pest Control Board. The SPCB was transferred from the Department of Consumer Affairs to DPR on October 23, 2009.
- § = section
- §§ = sections (of a legal code)
### COMPLIANCE ACTIONS

**ACTION** | **AFFECTED PARTY** | **AGENCY** | **ACTIVITY AND AUTHORITY**
--- | --- | --- | ---
CEASE and DESIST ORDER | Any violator of state pesticide laws and regulations | DPR and DHS | No monetary penalty. These activities are consistent with general provisions of the FAC. Cease and Desist Orders may be issued pursuant to FAC §§11737, 11896 or 11897 (Division 6) or FAC §§13101 or 13102 (Division 7). In addition, the Director may issue a cease and desist order under FAC §15330.
VIOLATION NOTICE |  |  |  
WARNING LETTER |  |  |  
COMPLIANCE INTERVIEW |  |  |  
"NONCOMPLIANCE" NOTED ON INSPECTION FORM |  |  |  
PROCESSING NOTIFICATION | Various | DPR and DHS | Director of DPR is required to immediately notify Director of Department of Health Services (DHS) when produce destined for processing is in violation of permissible pesticide residue tolerances. FAC §12582

### PUBLIC PROTECTION ACTIONS

**ACTION** | **AFFECTED PARTY** | **AGENCY** | **ACTIVITY AND AUTHORITY**
--- | --- | --- | ---
SEIZE/HOLD PRODUCE (Administrative) | Growers, packers, shippers and sellers | DPR | Seize and hold (quarantine) any lot of produce that exceeds or is suspected of exceeding pesticide residue tolerance. FAC §12601
CROP ABATEMENT ORDER (Court) | Growers, packers, shippers and sellers | DPR (through the District Attorney or City Attorney) | Any lot of produce that exceeds pesticide residue tolerance is a public nuisance and is subject to disposal. FAC §§12642 and 12643
CROP SEIZURE (Administrative) | Growers, packers, shippers and sellers | DPR | Seize and destroy any plant, crop, commodity or site treated with a pesticide not registered for use on the plant, crop, commodity or site. FAC §12648
PROHIBIT HARVEST ORDER (Administrative) | Growers | CAC or DPR | Delay harvest until expiration of pre-harvest interval. FAC §12672
PROHIBIT HARVEST ORDER (Administrative) | Growers | CAC or DPR | Prohibit harvest of any produce that carries pesticide residue in excess of a permissible tolerance. FAC §12673
PESTICIDE SEIZURE (Administrative) | Person in possession of pesticide | DPR | Seize and quarantine pesticides that are adulterated, misbranded, not registered by the Director, etc. FAC §12961

**Excerpted from 3 CCR §6140 - Inspection Authority:**
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 in order to determine compliance with Divisions 6 and 7 of the FAC:
- Fields, areas, structures, and greenhouses where pesticides are handled, stored or applied;
- Growing crops/harvested commodities;
- Equipment (including protective clothing and equipment) used to store/transport/handle pesticides;
- Change areas/other facilities used by employees; and
- Pesticides and tank mixtures.
The person responsible for preparing/maintaining records shall make those records available during business hours, upon demand. Required records include:
- Records concerning work hours/training/medical monitoring of employees;
- Pest control recommendations/pesticide use and operations records; and
- Pesticide transactions/sales/delivery records.

**Excerpted from 3 CCR §6141 - Employee Interviews:**
The Director or CAC may confidentially interview any employee during work hours:
- When reasonably necessary for an investigation of employee illness(s) suspected of having been caused by a pesticide; or
- To investigate a suspected pesticide-related safety violation.
Authority for 3CCR §§6140 - 6141 is FAC §§11456 and 12981.