

TEXT OF FINAL REGULATIONS

Current wording is indicated by regular type.
Proposed deletions are indicated by ~~strikeout~~.
Proposed additions are indicated by underline.

TITLE 3. CALIFORNIA CODE OF REGULATIONS
DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS
CHAPTER 2. PESTICIDES
SUBCHAPTER 3. ASSESSMENTS
ARTICLE 2. MILL ASSESSMENT DISBURSEMENT CRITERIA

Amend section 6393 to read:

6393. Criteria Items and Apportionment.

(a) The amount of funds allocated to each county for each criteria item shall be based on each county's pest control activities, costs, workload, and performance in proportion to all counties, except as provided in sections 6391(b) and 6395.

(b) The apportionment for each criteria item shall be a percentage of the total mill assessment funds available for reimbursement to counties [less the amount specified in section 6395(b)].

Such criteria items and corresponding apportionments are as follows:

(1) Apportionment, 3 percent: The total number of Pesticide Use Enforcement Program inspections completed in accordance with the prioritization plan agreed upon by the Director and the commissioners and the commissioner's negotiated work plans;

(2) Apportionment, 3 percent: The total number of: licensed pest control dealers located in each county; licensed pest control advisers, pest control businesses, pest control aircraft pilots, and farm labor contractors registered in each county; structural pest control operators providing notice of work in each county; active operator identification numbers in each county; and any additional similar workload activities approved jointly by the Director and the commissioners.

(3) Apportionment, 3 percent: The total number of private applicator certificate holders certified in each county;

(4) Apportionment, 3 percent: Work hours expended on pesticide related activities that are agreed upon by the Director and the commissioners, 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;

(5) Apportionment, 3 percent: Expenditures reported by each county for pesticide-related activities that are agreed upon by the Director and the commissioners;

(6) Apportionment, 3 percent: The total pounds of pesticides used in the county that have been reported pursuant to Food and Agricultural Code section 12979.

(7) Apportionment, 21 percent: The total number of restricted materials permits and permit amendments issued by each county; sites identified on all restricted materials permits and permit amendments issued by each county; and notices of intent reviewed by each county;

(8) Apportionment, 21 percent: Based on the total pounds of nonagricultural-labeled pesticides sold in this state in relation to each county's population. Pounds of pesticide sold data shall be

derived from mill assessment collection information provided to the department. Population data shall be based on the most recent U.S. census information. ~~Counties receiving funding under the provisions of section 8698.5 of the Business and Professions Code for structural fumigation enforcement shall only receive funds from this apportionment after deducting the amount of funds received pursuant to section 8698.5 of the Business and Professions Code; and~~

(9) Apportionment, 40 percent: Based on each county's pesticide use report data records in relation to the total number of pesticide use report data records submitted to the department by all counties.

NOTE: Authority cited: Sections 11456, 12781 and 12844 Food and Agricultural Code.
Reference: Sections 12841 and 12844, Food and Agricultural Code.