



**California Department of  
Pesticide Regulation**

1001 I Street  
P.O. Box 4015  
Sacramento, CA 95812-4015  
916-445-4300  
[www.cdpr.ca.gov](http://www.cdpr.ca.gov)

**Division of Pest Management,  
Environmental Monitoring,  
Enforcement and Licensing**

916-324-4100

**BRANCHES:**

**Enforcement**

916-324-4100

**Environmental Monitoring**

916-324-4100

**Pesticide Management  
and Licensing**

916-324-4100

**Division of Registration  
and Health Evaluation**

916-445-3984

**BRANCHES:**

**Worker Health and Safety**

916-445-4222

**Medical Toxicology**

916-445-4233

**Pesticide Registration**

916-445-4400

**Division of  
Administrative Services**

916-445-4140

**Information Technology**

916-445-4110

**Personnel**

916-322-4553

WHAT YOU NEED TO KNOW

# about

CALIFORNIA DEPARTMENT OF PESTICIDE REGULATION

## ***The Rulemaking Process:* How You Can Get Involved in Regulatory Decisionmaking**

The Department of Pesticide Regulation (DPR) adopts regulations to carry out pesticide laws enacted by the California Legislature. The regulations adopted by DPR clarify and provide more detail to the laws so that it is clear who must do what, how, and by when.

The process of writing and adopting regulations is called **rulemaking**. To make sure proposed regulations go through an open public review process, State agencies must follow the Administrative Procedure Act. The Act sets up a formal process designed to ensure regulations are clear and consistent, and public comments are addressed. It can take six months to a year to complete this process. Knowing how the process works will help you understand how you can best get involved in these important decisions.

This is an overview of the general regulation process. The Administrative Procedure Act and Office of Administrative Law (OAL) regulations provide various exceptions (such as the process for emergency regulations), which are not included in this overview.

### **How the process begins**

DPR staff first do research and then write a draft of the proposed regulations. Staff may meet with public interest groups, farmworker groups, representatives of the pesticide and agricultural industries, and other interested parties to hear their ideas and concerns early in the process. DPR may also hold public workshops to discuss different approaches to the regulations. During this phase, the drafts

may be modified several times to reflect the informal comments and recommendations we receive.

### **Publishing the notice**

In the next stage, DPR formally proposes regulations by submitting them to OAL, which publishes them in the *California Regulatory Notice Register*. DPR also publishes them on its Web site, <[www.cdpr.ca.gov](http://www.cdpr.ca.gov)>. We must allow at least **45 days for public comment** before we can adopt any change. (This includes adopting a new regulation, or amending or repealing an existing regulation.)

The notice is also sent to people who have asked to be placed on DPR's mailing list to get these notices. (You can sign up to get e-mail notices by going to DPR's Web site, clicking on "Join E-Lists," and following the instructions under "Notices of Regulatory Action.")

### **What's in a regulatory notice**

Among other things, the notice must include:

- ◆ A reference to DPR's **legal authority** for adopting the regulatory change.
- ◆ An *informative digest* containing a **concise and clear summary** of what the regulatory change would do.
- ◆ The **deadline** for submitting written comments.
- ◆ The **time and place of any scheduled public hearings**. Public hearings are generally optional. However, anyone can ask DPR to hold a public hearing by making a written request no later than 15 days before the close

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Single copies of this handout are available from DPR by calling 916-445-3974, and can be downloaded from DPR's Web site. Go to [www.cdpr.ca.gov](http://www.cdpr.ca.gov), click "Laws and Regulations," then "Regulations."

of the comment period, and then a hearing will be held.

◆ The DPR staff member you can **contact for more information.**

Along with the notice, DPR also prepares a staff report known as the **Initial Statement of Reasons and Public Report**. It provides background leading up to the proposed regulations, issues that have been raised, and the problem or legislative requirement the proposed regulations are meant to address. It also includes the facts, studies, and other materials that DPR relied upon in preparing the regulations. The statement must say whether the regulations may result in significant costs for individuals, business, and state or local governments or agencies. Finally, the Initial Statement of Reasons and Public Report lists alternatives DPR considered to lessen impacts on small business.

#### **What's next?**

During the comment period, citizens may submit written comments (by mail, fax, or e-mail). If a public hearing is held, they may make oral comments. If the comments or other information lead the Department to make substantive related changes in the proposed regulations, those who submitted comments will be notified and will have another 15 days to comment on the revisions.

If DPR makes substantive changes that are not sufficiently related to the proposed regulations, we must issue a new public notice and allow another 45 days for comment.

Once the comment period is closed, DPR prepares a final rulemaking file that it submits to OAL. In part, this file contains:

- ◆ Written comments, data and factual information submitted by the public.
- ◆ Transcripts of any public hearings.
- ◆ A summary of each comment on the proposed regulations, and a description of any changes made in response to comments or an explanation for rejecting a particular comment.

- ◆ Final text of the regulations.
- ◆ A Final Statement of Reasons.
- ◆ An updated Informative Digest.

OAL has 30 working days to review the file to make sure, among other things, that the regulation is clearly written, within the law,

not duplicative, and that DPR has responded to all public comments relevant to the proposed regulation. If approved, OAL files the regulation with the Secretary of State and it generally becomes effective 30 days after OAL files it.

#### **How you can get involved**

During the public comment period, you can submit comments in writing by mail, fax, or e-mail, on all or any part of the proposed regulations. You can download the proposed regulations from the Department's Web site, [www.cdpr.ca.gov](http://www.cdpr.ca.gov), clicking on the "Laws and Regulations" button, then to "Regulations." You can also submit e-mail comments from that page.

If you need more information or would like the proposed regulations mailed to you, you can contact the DPR staff member whose name, phone number and e-mail is included in the regulatory notice. (If you don't have that name, call or write Regulations Coordinator, California Department of Pesticide Regulation, 1001 I Street, P.O. Box 4015, Sacramento, CA 95812, 916-445-4300.)

#### **Public hearings**

The notice will say whether or not a public hearing is scheduled. If a public hearing is not scheduled, you may request one be scheduled. At the hearing, anyone who is interested in speaking may testify, and you may also present written comments. Oral comments at a hearing carry no more weight than written comments. Changes may be made to the proposed regulations based on information received during the public comment period and at any hearing.

If you wish to speak, you may be asked to fill out a public comment card. You can read from prepared comments or you can simply speak. You can also arrange in advance to have a translator if you do not speak English.

Because many people may sign up to testify, there may be a limit on how much time you have to speak. If that is the case, it is important to try not to repeat previous testimony and to speak to the point. You can submit written comments of any length, as long as they are about the proposed regulations.