

**NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED CHANGES
IN THE REGULATIONS PERTAINING TO
ENFORCEMENT RESPONSE**

Pursuant to the requirements of Government Code section 11346.8(c), and section 44 of Title 1 of the California Code of Regulations (CCR), the Department of Pesticide Regulation (DPR) is providing notice of changes made to the proposed text of section 6128 and 6130 of Title 3, CCR. These changes are in response to comments received during the public comment period. The public comment period on the originally proposed regulatory action closed on March 29, 2006. The Director finds that the modifications are sufficiently related to the original text of the proposed action. The modified text is being made available to the public for 15 days, during which written comments on the modifications will be received as provided in section 11346.8(c) of the Government Code.

DPR will accept written comments relevant to the modifications between May 31, 2006 and 5:00 p.m. on June 15, 2006. Written comments relevant to the modifications may be sent via e-mail <dpr06001@cdpr.ca.gov>; or may be directed to Ms. Linda Irokawa-Otani, Department of Pesticide Regulation, 1001 I Street, P.O. Box 4015, Sacramento, California 95812-4015. FAX: (916) 324-1452.

In response to the comments received, DPR has made sufficiently related changes to the text from that which was originally proposed.

- DPR proposes to clarify that the provisions proposed in section 6128 govern the enforcement response of county agricultural commissioners to violations of all laws and regulations related to pesticide use.
- By adding to subsections 6128(c)(1), (2), and (3), the terms "Serious," "Moderate," and "Minor" found in section 1922 of Title 16 CCR, DPR is clarifying that the enforcement response to proposed section 6128 applies to all pesticide use violations.
- DPR proposes to modify section 6128(d) to provide a timeframe for which the Director shall respond to a commissioner's decision not to take an enforcement action, if the Director does not concur. The Director shall also provide to the commissioner specific reasons for denial.

Current wording of the regulation is shown in normal type. Originally proposed additions are shown by underline. Originally proposed deletions are shown by ~~strikeout~~. New proposed deletions are indicated by *italics and strikeout*. New wording to be added by the modifications is shown in **bold double underline**.

All written comments received by 5:00 p.m. on June 15, 2006, which pertain to the indicated changes, will be reviewed and considered in this rulemaking. Please limit your comments to the modifications of the text.

Mary-Ann Warmerdam, Director
Department of Pesticide Regulation

Date