

**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 of Title 3, CCR. These changes are in response for reasons stated below. The public comment period on the originally proposed regulatory action closed on February 28, 2011. 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 Government Code section 11346.8(c).

DPR will accept written comments relevant to the modifications between June 16, 2011, and 5:00 p.m. on July 1, 2011. Written comments relevant to the modifications may be sent via e-mail <dpr11001@cdpr.ca.gov>; or may be directed to Ms. Linda Irokawa-Otani, Regulations Coordinator, Department of Pesticide Regulation, 1001 I Street, P.O. Box 4015, Sacramento, California 95812-4015. FAX: (916) 324-1452.

DPR has made sufficiently related changes to the text from that which was originally proposed.

- Revised subsections 6128(c)(1)(A) and (c)(2)(A) to make more clear the intent of the originally proposed change. If the county agricultural commissioner's initial enforcement response for a Class A or B violation was to formally refer to the District Attorney, City Attorney, or Circuit Prosecutor, or the Director or Structural Pest Control Board Registrar for a statewide licensing action and the referral was declined, the commissioner shall proceed with an enforcement action.
- Add to subsection 6128(d) the word "initial." In the case of an incident in which multiple violations are discovered, this will clarify from which occurrence the 60-day time frame begins for the commissioner to submit a decision report to the Director.
- Amend the authority and reference citations in section 6130 to reflect the appropriate Business and Professions Code.

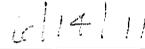
Current wording of the regulation is shown in normal type. Originally proposed additions are shown by underline. Originally proposed deletions are shown by ~~strikeout~~. New proposed deletions are indicated by *italics and strikeout*. New wording to be added by the modifications is shown in **bold double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

All written comments received by 5:00 p.m. on July 1, 2011, which pertain to the indicated changes, will be reviewed and considered in this rulemaking. Please limit your comments to the modifications of the text.

This Notice of Modifications to Text of Proposed Changes and the text of modified regulations are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>.



Chris Reardon, Chief Deputy Director
Department of Pesticide Regulation



Date