FINAL STATEMENT OF REASONS AND PUBLIC REPORT
DEPARTMENT OF PESTICIDE REGULATION
Title 3. California Code of Regulations
Amend Sections 6000 and 6400, and Adopt Section 6471
Designating Brodifacoum, Bromadiolone, Difenacoum, and Difethialone
(Second Generation Anticoagulant Rodenticide Products) as Restricted Materials

UPDATE OF THE INITIAL STATEMENT OF REASONS

The proposed regulatory action was originally noticed in the California Regulatory Notice Register on July 19, 2013. Several requests were made to extend the close of the comment period. A Notice of Extension of the Public Comment Period was issued and published in the California Regulatory Notice Register on August 23, 2013 extending the comment period for an additional 31 days.

During the 45-day public comment period, the Department of Pesticide Regulation (DPR) received approximately 24,500 unique comments on the proposed text. The comments are discussed under the heading "Summary and Response to Comments Received" of this Final Statement of Reasons.

As authorized by Government Code section 11346.9(d), DPR incorporates by reference the Initial Statement of Reasons prepared for this rulemaking. No changes were made to the proposed regulations nor are any changes necessary to the Initial Statement of Reasons following the 45-day public comment period.

DPR has amended Title 3, California Code of Regulations sections 6000 and 6400, and adopted section 6471. This action makes all pesticide products containing the active ingredients brodifacoum, bromadiolone, difenacoum, or difethialone [second generation anticoagulant rodenticides (SGARs)] California-restricted materials; adds additional use restrictions for SGARs; and revises the definition of private applicator to refer to the federal definition of agricultural commodity found in Title 40 Code of Federal Regulations section 171.2(5).

PUBLIC HEARING

No public hearing was scheduled or held.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING 45-DAY COMMENT PERIOD

See Attachment A.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts requiring reimbursement by the State pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a "new program or higher level of service of an existing program" within the meaning of
section 6 of Article XIII B of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from this regulatory action.

The county agricultural commissioner offices will be the local agencies responsible for enforcing the proposed regulations. DPR anticipates that there will be no fiscal impact to these agencies. DPR negotiates an annual work plan with the county agricultural commissioners for enforcement activities.

**ALTERNATIVES DETERMINATION**

The Director has determined that no alternative considered by DPR would be more effective in carrying out the purpose for which this regulation is proposed, would be as effective and less burdensome to affected private persons or businesses than the adopted regulations, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of the law.

**POSTING REQUIREMENT**

Title 3, California Code of Regulations, section 6110, states in part that, "The public report shall be posted on the official bulletin boards of the Department, and of each commissioner's office, and in each District office of the DPR [Division of Pest Management, Environmental Protection and Worker Safety] for 45 days." DPR has posted its Initial Statement of Reasons and Public Report on its official bulletin board, which consists of the Department's Internet Home Page <http://www.cdpr.ca.gov>. In addition, copies were provided to the offices listed above for posting.