

## Chapter 3

# Environmental Impact Report Functional Equivalency

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**Introduction** This chapter provides a brief history and overview of how CEQA impacts California's pesticide regulatory program. For an in-depth discussion of the EIR functional equivalency, see Appendix D, *Environmental Impact Report Functional Equivalency*.

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**California Environmental Quality Act** In 1970, California adopted CEQA as the State's main environmental law. The purpose of the act is to ensure that when public decisions are made, long-term protection of the environment is a major consideration. The act requires each public agency to consider the effects of their decisions and take every step necessary to provide California residents with clean air and water, and the enjoyment of California's nature, scenery, aesthetics, and history.

Provisions of the Act require an EIR for any project proposed or approved by a public agency, board, or commission that may have a significant effect on the environment.

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**Attorney General opinion** In 1976, the California Attorney General issued an opinion that the State's pesticide regulatory program had to comply with CEQA when registering a pesticide, or granting a license, permit, or certificate. This meant that DPR would have to prepare an EIR before registering a pesticide or issuing a permit to use a restricted pesticide.

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**Statutory resolution** It was determined that the preparation of EIRs for registration of pesticides and issuance of restricted material use permits was not feasible. Chapter 308, Statutes of 1978, provided for an abbreviated environmental review as the functional equivalent to a full-scale EIR.

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# Environmental Impact Report Functional Equivalency, Continued

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**Program certified**

The resulting pesticide regulatory program was submitted to the Secretary of the Resources Agency and was certified as “EIR functionally equivalent.”

Certification means that DPR and the CACs do not have to prepare an EIR on each activity they approve. The Secretary of the Resources Agency can withdraw the functional equivalency if DPR and the CACs fail to carry out the program as prescribed.

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**Key elements of certification**

Public Resources Code section 21080.5 established requirements the permit process must meet in order to comply with EIR functional equivalency.

Key elements of the program include:

- Documentation of local environmental impacts;
- Consideration of mitigation measures or feasible alternatives; and
- Consultation with other agencies.

It is essential that these three elements are included in every county restricted material permit program or certification of the state program may be in jeopardy.

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