### Enforcement and Compliance Options Chart

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#### Enforcement Actions

*“Enforcement Actions” contain a penalty.*

<table>
<thead>
<tr>
<th>ACTION</th>
<th>AFFECTED PARTY</th>
<th>AGENCY</th>
<th>PENALTY AND AUTHORITY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ADMINISTRATIVE PENALTY</strong>&lt;br&gt;Administrative civil penalties are initiated by County Agricultural Commissioners (CAC) under the Agricultural Civil Penalty or Structural Civil Penalty Programs. The Director may initiate administrative penalties for certain violations.</td>
<td>Violators of certain state pesticide laws and regulations or Labor Code §1695; and, violators who are structural pest control licensees or businesses</td>
<td>CAC</td>
<td>Agricultural Civil Penalty - (1) CAC may levy penalties up to $5,000 per violation. FAC §§12999.5, 15204, 15204.5; 3 CCR §§6128, 6130, and 6131; (2) Each person acutely injured constitutes a separate violation. FAC §§12996.5 and 12997.5; (3) In addition, CAC may refuse to issue a permit when violator does not pay penalty or follow a lawful order of the CAC. FAC §12999.5</td>
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<td>CAC or SPCB</td>
<td>Structural Civil Penalty - CAC may levy penalties up to $5,000 per violation, suspend right to work up to three working days per violation, or require course attendance. FAC §15202; BPC §8617; 3 CCR §§6128, 6131; and 16 CCR §§1922, 1922.3</td>
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<td>DPR</td>
<td>Director - Director may levy penalties up to $20,000 per violation. FAC §§12671, 12999.4 and 12999.6</td>
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<tr>
<td><strong>DISCIPLINARY ACTION</strong>&lt;br&gt;Licensees, certificate holders, and permit holders</td>
<td>Licensees, certificate holders</td>
<td>CAC</td>
<td>CAC may refuse, revoke, or suspend county registration. Refuse, revoke, or suspend restricted materials permit or private applicator certificate. FAC §§11512.5, 11735, 11737, 11740, 11924, 11933, 12035, 14008, and 14098</td>
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<td>DPR</td>
<td>Director may refuse, revoke, or suspend license and/or certificate. FAC §§11501, 11501.5, 11708, 11910, 12023, 12023.5, 12113, 12205, 12206, 12257, and 12408</td>
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<td><strong>COURT ACTION, CIVIL</strong>&lt;br&gt;Any violator of state pesticide laws and regulations</td>
<td>Referral to District or City Attorney, or Circuit Prosecutor</td>
<td>DPR or SPCB</td>
<td>Division 6 and 3 CCR Violations $5,000 - $30,000 per violation. FAC §§11891, 11892, 11893, 11894, and 11895.5</td>
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<td></td>
<td>Division 7 and 3 CCR Violations $3,000 - $75,000 per violation. FAC §12998</td>
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<td>DPR or SPCB</td>
<td>May seek to enjoin the violation or threatened violation of orders issued pursuant to Division 6 or 7, and performance of specific acts to protect persons, animals, crops, or property. FAC §§11895.5 and 13000.1</td>
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<td>Director (or SPCB) may initiate a civil court action through Office of the Attorney General. Director may consider CAC requests for DPR to initiate civil court action after other options are exhausted.</td>
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<tr>
<td><strong>COURT ACTION, CRIMINAL</strong>&lt;br&gt;Any violator of state pesticide laws and regulations</td>
<td>Referral to District or City Attorney, or Circuit Prosecutor</td>
<td>Division 6 and 3 CCR Violations $5,000 - $50,000 per violation and/or 10 days to 6 months imprisonment, or both. FAC §11891</td>
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<td>Division 7 and 3 CCR Violations $5,000 - $100,000 per violation and/or up to one year imprisonment. FAC §12996</td>
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<td>Director may request District/City Attorney or Circuit Prosecutor to initiate a criminal action. The Director may consider CAC requests for DPR to initiate criminal action, or request a CAC to locally initiate criminal action. Criminal action generally limited to cases of egregious nature or statewide significance.</td>
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</tbody>
</table>

#### Statute of Limitations

**AGRICULTURAL CIVIL PENALTIES**<br>CAC has two years from date of occurrence; or, Director has one year from submission of completed investigation. FAC §§13000(a) and (b)

**STRUCTURAL CIVIL PENALTIES**<br>CAC has two years from date of occurrence; or, SPCB or Attorney General have one year from submission of completed investigation. BPC §8617(n)

#### Abbreviations and Terms

**BPC** = Business and Professions Code  
**CAC** = County Agricultural Commissioner  
**CCR** = California Code of Regulations  
**DPR** = California Department of Pesticide Regulation  
**Director** = Director of the California Department of Pesticide Regulation  
**Division 6** = Division 6 of the FAC (sections 11401 through 12500)  
**Division 7** = Division 7 of the FAC (sections 12501 through 16000)  
**FAC** = California Food and Agricultural Code  
**SPCB** = Structural Pest Control Board  
**§** = section (of a legal code); **§§** = sections (of a legal code)
### COMPLIANCE ACTIONS

**- Violation Notice**
- **Affected Party**: Violators of state pesticide laws and regulations
- **Agency**: CAC or DPR
- **Activity and Authority**: No monetary penalty. These activities are consistent with general provisions of the FAC.

**- Warning Letter**
**- Compliance Interview**
**- “Noncompliance” Noted on Inspection Form**
**- Processing Notification**

### PUBLIC PROTECTION ACTIONS

**- Cease and Desist Order**
- **Affected Party**: Violators of state pesticide laws and regulations
- **Agency**: CAC or DPR
- **Activity and Authority**: Cease and Desist Orders may be issued pursuant to FAC §§11737, 11896, or 11897 (Division 6); and FAC §§ 13101 or 13102 (Division 7). In addition, the Director may issue a cease and desist order pursuant to FAC §15330.

**- Seize/Hold Produce**
- **Activity and Authority**: Seize and hold (quarantine) any lot of produce that exceeds or is suspected of exceeding pesticide residue tolerance. FAC §§12601 and 12602

**- Crop Abatement Order**
- **Activity and Authority**: Any lot of produce that exceeds pesticide residue tolerance is a public nuisance and is subject to disposal. FAC §§12642 and 12643

**- Crop Seizure**
- **Activity and Authority**: Seize and destroy any plant, crop, commodity or site treated with a pesticide not registered for use on the plant, crop, commodity or site. FAC §§12648 and 12648.5

**- Prohibit Harvest Order**
- **Activity and Authority**: Delay harvest until expiration of pre-harvest interval. FAC §12672

**- Pesticide Seizure**
- **Activity and Authority**: Seize and quarantine pesticides that are adulterated, misbranded, not registered by the Director, etc. FAC §§12931 and 12961

Excerpts from 3 CCR §6140 - Inspection Authority:
The Director or CAC may, during business hours or at any other reasonable time, enter and inspect, and/or sample any of the following or related items in order to determine compliance with Divisions 6 and 7 of the FAC:
- Fields, areas, structures, and greenhouses where pesticides are handled, stored or applied;
- Growing crops/harvested commodities;
- Equipment (including protective clothing and equipment) used to store/transport/handle pesticides;
- Change areas/other facilities used by employees; and
- Pesticides and tank mixtures.
The person responsible for preparing/maintaining records shall make those records available during business hours, upon demand. Required records include:
- Records concerning work hours/training/medical monitoring of employees;
- Pest control recommendations/pesticide use and operations records; and
- Pesticide transactions/sales/delivery records.

Excerpts from 3 CCR §6141 - Employee Interviews:
The Director or CAC may confidentially interview any employee during work hours:
- When reasonably necessary for an investigation of employee illness(es) suspected of having been caused by a pesticide; or
- To investigate a suspected pesticide-related safety violation.

Authority for 3 CCR §§ 6140 - 6141 is FAC §§ 11456 and 12981