Enforcement Response Regulations Informational Webinar

November 13, 2025

Discussion Document

California Department of Pesticide Regulation

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Overview and Purpose of the Discussion Document

The California Department of Pesticide Regulation (DPR) has scheduled a virtual webinar on Nov. 13, 2025, from 5:30 p.m. to 7:00 p.m. via Zoom, to discuss planned changes to DPR's Enforcement Response Regulations (3 CCR 6128 and 6130). At the informational webinar, DPR will share information on current regulation and proposed regulatory concepts, including questions for consideration, to gain public input prior to initiation of a formal regulatory process.

This document is intended to support the Enforcement Response Regulations (ERR) webinar. It is not a formal regulatory proposal, but a tool to present key regulatory concepts in a clear, accessible format. Each section outlines a concept under consideration and includes questions where DPR is specifically seeking input as part of the public comment process. The goal of DPR's webinar and informal public comment period is to foster informed input early on proposed regulatory concepts for enforcement response, before any formal rulemaking begins.

This document complements the webinar presentation and is designed to be a read-ahead or reference resource for participants.

Background

DPR's Enforcement Response Regulations (3 CCR §§ 6128–6130) establish the framework for how pesticide use violations are addressed in California. These regulations direct County Agricultural Commissioners (CACs) in determining administrative civil penalties for violations involving the agricultural or structural use of pesticides, including fumigants.

Current regulations classify violations into three categories – Class A, B, and C – based on the severity and nature of the violation. They also outline the enforcement responses and fine ranges associated with each class of violations.

History of Current Regulations

- **2007**: Enforcement Response Regulation (Title 3, California Code of Regulations section 6128) went into effect. The regulations classified agricultural pesticide use violations as Class A, Class B, and Class C and structural pesticide use violations as Serious, Moderate, and Minor. Regulations mandated that all CACs use the regulations when classifying violations of pesticide use and required DPR to review all Decision Reports written by the CACs. Fines for repeat violations were required to escalate to a higher class.
- **2011:** Enforcement Response Regulations (3CCR 6128 – 6131) were amended to narrow the scope to agricultural, structural, or fumigation pesticide uses. Among other changes, the amendments allowed the CACs flexibility to increase fines within the same class fine range rather than increase to the next class.
- **2022**: Assembly Bill 211 increased civil penalties in the Food and Agricultural Code (FAC) Divisions 6 and 7.
- **2024**: DPR amended 3 CCR § 6130 to align regulations with statutory changes included in AB 211. The regulations increased fine maximums to:
    - Class A maximum fine of **$15,000**
    - Class B maximum fine of **$3,000**

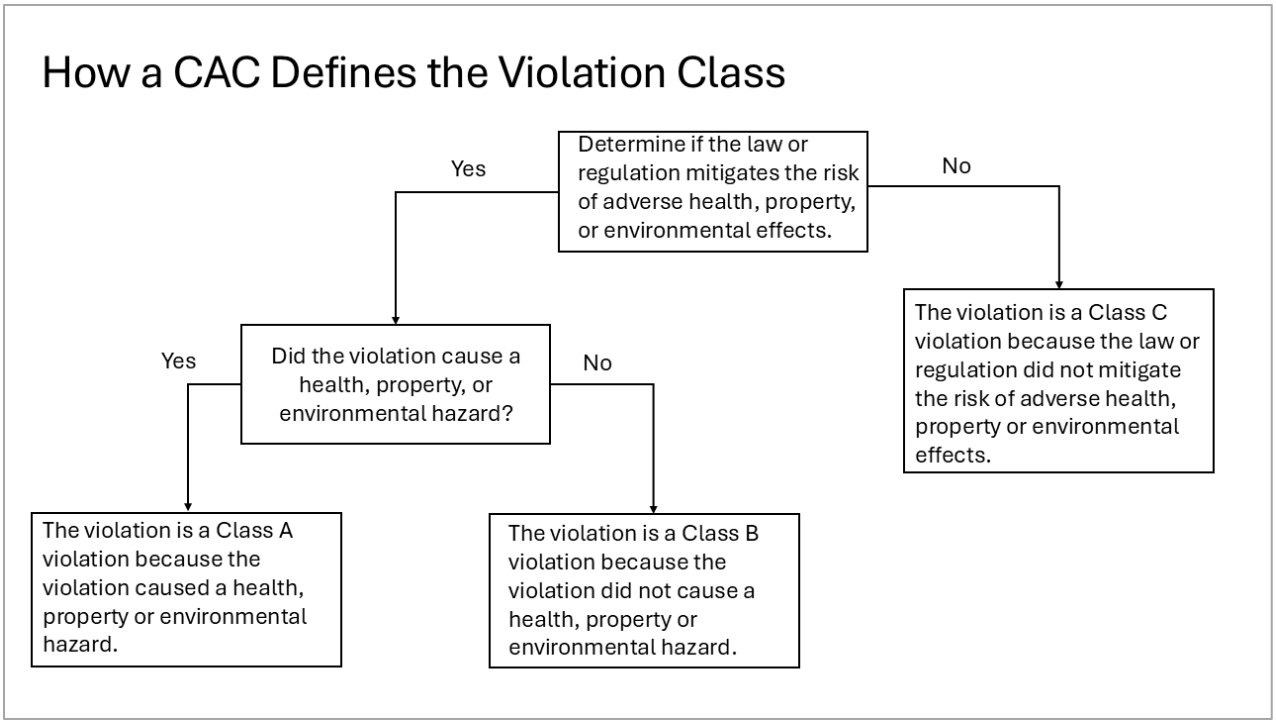
Current Enforcement Response Regulations

Current regulations (3CCR section 6130) outline a step-by-step process for CACs to classify violations and determine appropriate enforcement responses and fines (3CCR section 6128).

1. Determining the Violation Class

As part of enforcement responses process, CACs must first determine the class of the violation as defined under 3 CCR § 6130. Current regulations have three potential classes of violations:

- **Class A**: Violation caused health, property, or environmental hazard.
    - *Example*: Pesticide drift onto a non-target crop or an employee becoming ill due to lack of personal protective equipment.
- **Class B**: Violation of a law or regulation that mitigates risk but the violation did not cause harm.
    - *Example*: Failure to wear personal protective equipment.
- **Class C**: Violation of a law or regulation that does not mitigate risk.
    - *Example*: Late submission of pesticide use reports.



2. Enforcement Responses by Violation Class

Once the violation is classified, CACs must respond to each incident with enforcement responses as outlined in 3 CCR section 6128. Definitions for enforcement actions, formal referrals and compliance actions are included in Appendix B. Enforcement action can include a fine.

- **Class A**:
    - Formal referral
    - Enforcement action
- **Class B**:
    - Formal referral
    - Enforcement action
    - Compliance action with a decision report
- **Class C**:
    - Enforcement action
    - Compliance action

3. Determine Fine Associated with Enforcement Action

Once the violation class is determined, the CAC must determine a fine within the appropriate class. Each class has a defined fine range as outlined in current regulations:

Violation Class	Fine Range
Class A	$700 – $15,000
Class B	$250 – $3,000
Class C	$50 – $400

When determining the fine amount with the range, there are several factors a CAC must take into consideration including:

- Severity of actual or potential effects
- Respondent’s compliance history

Any relevant factors must be documented in the Notice of Proposed Action. A Notice of Proposed Action is a document developed by the CAC when initiating an administrative civil penalty.

Proposed Regulatory Concepts

Background

DPR's current Enforcement Response Regulations (3 CCR §§ 6128–6130) have not undergone a comprehensive update since 2007. While some amendments have been made, broader improvements are needed to ensure the regulations remain effective, consistent, and aligned with current enforcement needs.

Several key developments have prompted this regulatory update:

- **Statutory Updates**: In 2024, DPR amended 3 CCR § 6130 to increase maximum fines for Class A and B violations, aligning with statutory changes under Assembly Bill 211 (2022) that increased civil penalties in the Food and Agriculture Code. The department did not update the fine ranges overall, resulting in very large fine ranges for certain violations.
- **2023 U.S. EPA Audit**: The U.S. Environmental Protection Agency conducted an in-depth review of California's most significant pesticide exposure investigations involving farmworkers and community members. While the audit found that implementation of laws and policies met or exceeded expectations in many areas, it also highlighted opportunities for improvement, especially in how CACs consider statewide compliance history and consistency for fine ranges and penalty structures.
- **Ongoing Improvements**: DPR and its regulatory partners have identified areas for improvement, particularly around fine structure and statewide consistency.

Overview of Proposed Concepts

DPR is considering updates to Enforcement Response Regulations in four key areas. The proposed focus areas are designed to address areas of improvement identified in the U.S.EPA audit, improve statewide consistency, and clarify elements of enforcement processes.

These concepts are still under development, and public input is essential to shaping the final regulatory proposal.

1. Consistently align penalties with the nature of violations

DPR is considering regulatory approaches to better align the severity of penalties with the actual impact of violations. This could include refining the criteria for Class A, B and C violations, or considering whether additional categories are needed.

Proposed Changes:

- Define criteria for Class A violations based on actual impact and harm to people and the environment.
- Define criteria for Class C violations.
- Consider additional categories of violations to address and better align penalty structure with the nature of violations.

Questions for Public Input:

- Currently, there are two factors used to determine the violation classification, namely potential for harm and if harm is caused. In your opinion, what factors should the Class A classification consider?
- In your opinion, how would you define harm? What changes should be made for the degree of potential harm and/or actual harm, and their definitions?
- Are there other approaches DPR should consider to improve alignment of penalties with the nature of violations?
- Can you think of any scenarios that do not mitigate the risk of a hazard (for Class C)?

2. Adjust minimum fine levels

While maximum fines have been updated, minimum fines have not changed since 2002. DPR proposes raising minimum fine levels to better reflect the seriousness of violations, narrowing the currently large fine ranges to support consistency in fine and penalty amounts across counties.

Proposed Changes:

- Raise the minimum fine level for Class A and B violations to provide additional consistency and reflect the seriousness of violations.

Questions for Public Input:

- Minimum penalty amounts have not been adjusted in 20 years. In your opinion, how should minimum fine amounts be adjusted and why for each classification?
- In your opinion, is it helpful to have overlapping penalty ranges? Why or why not?
- Are there other approaches DPR should consider for classification criteria?

3. Improve statewide consistency in fine amounts

A key recommendation from the 2023 U.S. EPA audit was to improve consistency in how fines are applied across counties. Currently, CACs consider county compliance history when determining penalties.

Proposed Change:

- Require CACs to consider statewide compliance history when imposing enforcement actions for Class A violations.
- Require a justification in the Notice of Proposed Action from the CAC to justify the fine amount selected within the narrower range.

Questions for Public Input:

- Currently, the commissioner must use relevant facts, including the severity of actual or potential effects and the respondent's compliance history. In your opinion, what other facts should the commissioner consider when setting fine amounts?
- In your opinion, what strategies can we implement to enhance consistency in fine amounts across the state?

4. General process improvements

DPR is considering several updates to streamline and strengthen enforcement processes, including increased engagement with District Attorneys and clarified regulatory language on reportable investigations, which are the investigations CACs report to DPR and U.S. EPA.

Proposed Changes:

- Update process for notification and referrals to District Attorneys, City Attorneys, or Circuit Prosecutors.
- Require review of notices of proposed action from reportable investigations.
- Require DPR referrals for multi-jurisdictional reportable incidents (per AB 2113).
- Clarify timelines and expectations for reviewing CAC decision reports.

Questions for Public Input:

- Are there any other strategies DPR can deploy to improve general processes?

Next Steps

DPR welcomes public feedback and will review all comments received. Public comments influence regulations. Comments can address concepts or questions raised in this discussion document or at the webinar to inform the regulatory process

- **Public Comment Period**: Open through **December 13, 2025**.
- How to provide public comment:
    - Submit online through SmartComment.
    - Email comments to Enforcement_Pre-Regs@cdpr.ca.gov.

The Department anticipates noticing the proposed regulations in the second quarter of 2026, which will include additional opportunities for public comment through the formal rulemaking process.

Stay Informed

Visit cdpr.ca.gov to get more information on DPR's work, or to sign up for email updates from the Department.

Specific information on enforcement of pesticide use laws and regulations in the state are available at Enforcement - Department of Pesticide Regulation or Resources for County Agricultural Commissioners - Department of Pesticide Regulation.

Appendix A: Abbreviations and Acronyms List

AB – Assembly Bill

CAC – County Agricultural Commissioner

CACASA – California Agricultural Commissioners and Sealers Association

CCR – California Code of Regulations

DPR – California Department of Pesticide Regulation

U.S. EPA – United States Environmental Protection Agency

ERR – Enforcement Response Regulation

FAC – Food and Agricultural Code

Appendix B: Definitions

Compliance Action: An action that documents that certain behavior or an act is in violation of the law or regulations. The documentation may or may not allege the recipient committed the violation at issue. Compliance actions do not directly impose a monetary penalty. Compliance actions can include a violation notice, warning letter, documented compliance interview, or noncompliance noted on an inspection form. Compliance actions also include public protection actions such as cease-and-desist orders, seize-or hold-product or produce orders, and prohibit harvest orders. (3 CCR 6128)

Decision Report: A written record of the basis for a commissioner's decision not to take an enforcement action. (3 CCR 6128)

Enforcement Action: An action with the potential to impose a monetary penalty or loss of a right or privilege initiated by a Notice of Proposed Action. Enforcement actions include administrative civil penalty or disciplinary action (refuse, suspend, or revoke) against a county registration, certificate, or permit. (3 CCR 6128)

Reportable Investigation: The investigation of an episode that meets one or more of the effects criteria listed in Appendix A of the Three Party Memorandum of Understanding on Pesticide Episodic Reporting, Investigation, and Enforcement in the State of California (signed by U.S. EPA, DPR and CACASA).

Formal Referral: A written record from the CAC offering the District Attorney or Circuit Prosecutor the opportunity to prosecute the case.

Appendix C: History of Regulatory Fine and Penalty Structure

Year	Penalty Structure
1986	**Maximum $500 per violation** Minor $50 - $100 Moderate $100 - $300 Serious $300 - $500
1989	**Maximum $1000 per violation** Minor $50 - $150 Moderate $150 - $400 Serious $400 - $1,000
1997	**Maximum $1,000 per violation** Minor $50 - $150 Moderate $151 - $400 Serious $401 - $1,000
2002	**Maximum $5,000 per violation** Class C $50 - $400 Class B $250 - $1,000 Class A $700 - $5,000
2024	**Maximum $15,000 per violation** Class C $50 - $400 Class B $250 - $3,000 Class A $700 - $15,000