

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION
Enforcement Response
DPR Regulation No. 26-002

NOTICE OF PROPOSED REGULATORY ACTION

The Department of Pesticide Regulation (DPR) proposes to adopt Title 3, California Code of Regulations (3 CCR) section 6132 and to amend sections 6128 and 6130. The pesticide regulatory program activities affected by the proposal are those pertaining to pesticide enforcement. In summary, the proposed action will revise appropriate enforcement responses to be taken by the county agricultural commissioner (CAC) each time a violation(s) occurs to improve effectiveness and clarity of the regulations. The proposed amendments establish clear standards for determining penalty amounts, ensure that serious and repeat violations receive appropriately elevated consequences consistent with progressive enforcement, and reduce variations in enforcement practices among counties. This proposed action will also add 3 CCR section 6132 to require transparent reporting by DPR on the use of its pesticide use enforcement authority under Food and Agricultural Code (FAC) section 12999.6(c). By providing refined definitions, structured penalty criteria, and explicit decision-making guidelines, the updated regulatory language improves transparency, promotes predictable and equitable enforcement outcomes, and supports DPR's mandate to protect human health and the environment.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. DPR will accept written comments that are submitted via U.S. mail and postmarked no later than July 28, 2026. Comments regarding this proposed action may also be transmitted via e-mail to <dpr26002@cdpr.ca.gov> or via SmartComment online public comment portal at <<https://cdpr.commentinput.com?id=GRjbWU6P7>> and must be received no later than July 28, 2026.

Please note that under the California Public Records Act (Government Code section 7920.000 et seq.), your written and oral comments, attachments, and any associated contact information (e.g., your address, phone number, or email address) become part of the public record and can be released to the public upon request. You do not have to provide contact information when submitting a comment using the SmartComment portal.

PUBLIC HEARINGS

Three virtual public hearings have been scheduled for the times and places stated below to receive oral or written comments regarding the proposed action.¹ A presentation on the proposed regulations will be given prior to the start of each hearing at the times and places stated below.

DATE: Wednesday, July 8, 2026
TIME: 5:30 p.m.: Pre-hearing presentation
6:00-8:00 p.m.: Public hearing

¹ If you have special accommodation or language needs, please provide notice at least 10 business days before the public meeting by contacting the person named below. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

PLACE: Zoom (Virtual)
Webinar ID: 832 9520 4795
Direct link to join the meeting from a web browser or Zoom client:
<<https://us02web.zoom.us/j/83295204795?pwd=bvo62kPB8FhEUMMI5JJPg3mghbae6Y.1>>
One tap to join from a mobile phone: +16699009128,,83295204795#
Or call from a landline: +1 669 900 9128 – and enter the Webinar ID (above) when prompted

DATE: Tuesday, July 21, 2026
TIME: 9:30 a.m.: Pre-hearing presentation
10:00 a.m.-12:00 p.m.: Public hearing
PLACE: Zoom (Virtual)
Webinar ID: 829 0059 2159
Direct link to join the meeting from a web browser or Zoom client:
<<https://us02web.zoom.us/j/82900592159?pwd=5c7miCEYQBwTaxHmuonDDa4el5OYcJ.1>>
One tap to join from a mobile phone: +16699009128,,82900592159#
Or call from a landline: +1 669 900 9128 – and enter the Webinar ID (above) when prompted

DATE: Tuesday, July 28, 2026
TIME: 5:30 p.m.: Pre-hearing presentation
6:00-8:00 p.m.: Public hearing
PLACE: Zoom (Virtual)
Webinar ID: 856 9295 3662
Direct link to join the meeting from a web browser or Zoom client:
<<https://us02web.zoom.us/j/85692953662?pwd=ShwY7HDb4Nsm7vi5YuNILgkVb2dHc0.1>>
One tap to join from a mobile phone: +16699009128,,85692953662#
Or call from a landline: +1 669 900 9128 – and enter the Webinar ID (above) when prompted

A DPR representative will preside over each virtual hearing. Persons joining the hearing through the web browser or Zoom client who wish to make comments orally during the hearing may raise their hand using the Zoom functions and make oral comments when called upon. Persons calling into the Zoom meeting who wish to make a comment orally during the hearing may raise their hand by dialing *9 on their phone's dial pad. This will indicate to DPR representatives that the person on the phone has raised their hand. Generally, persons will be heard in the order in which they raised their hand. Participants will also be given instructions on how to provide oral comments once they have accessed the hearing. If persons experience technical difficulties during the hearing, persons may electronically submit written comments through SmartComment online comment portal at <<https://cdpr.commentinput.com?id=GRjbWU6P7>> or via e-mail to <dpr26002@cdpr.ca.gov>. DPR will also accept written comments that are submitted via U.S. mail and postmarked on the day of the hearing. If the number of persons in attendance warrants, the hearing officer may limit the time for each oral comment in order to allow everyone wishing to speak the opportunity to be heard. The format of submitting a public comment – orally or in writing – does not impact DPR's consideration of, or weight given to, the comment.

The virtual hearings will also be accessible via public webcast for persons who would like to watch this hearing without participating. The public webcast can be accessed by visiting the following web address: <<https://video.calepa.ca.gov/#/>>

LANGUAGE ACCESS

Spanish language interpretation will be provided at the virtual public hearings on July 8, 2026, July 21, 2026, and July 28, 2026. To request interpretation in another language or sign language services, please email your request to languageaccess@cdpr.ca.gov or call 916-322-4553 by June 23, 2026. DPR will make a best effort to accommodate the request.

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action does not affect small business that operates lawfully. There will be some impact to small businesses if they are found to be in violation of California pesticide laws and regulations under FAC section 12999.5.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

DPR's mission is to protect human health and the environment by fostering sustainable pest management and regulating pesticides. FAC section 2281 distributes responsibility for pesticide use enforcement between state and local authorities. The CACs and their staff, operating across 58 counties, are responsible for ensuring compliance with and enforcing pesticide use laws and regulations at the local level. The existing regulations in 3 CCR section 6128 provide a structure for progressive discipline by authorizing the CACs to pursue compliance actions with a decision report in limited situations while also preserving their discretion to bypass lower-level action and pursue enforcement actions (fines) for a violation, as appropriate. The FAC provides that in lieu of civil prosecution by DPR, the CAC may levy a civil penalty for violations of pesticide use laws and regulations, as specified in FAC section 12999.5, subdivision (a) and its implementing regulations at 3 CCR sections 6128, 6130, and 6131.

Under existing regulations, 3 CCR section 6128 establishes the enforcement response that CACs must follow each time an incident or violation of a law or regulation occurs related to the agricultural or structural use of a pesticide or any use of a fumigant. The regulation defines terms and specifies the enforcement response options for violations classified under 3 CCR section 6130.

3 CCR section 6130 implements, interprets, and makes specific FAC section 12999.5 by designating violations by Class (Class A, B, or C) and assigning a fine range for each class (the maximum and minimum fine levels). CACs must use this section to classify and set the fines within the ranges for the class for incidents or violations related to agricultural or structural pesticide use and all fumigant uses.

The proposed regulations will amend 3 CCR sections 6128 and 6130 to improve effectiveness of the CAC's enforcement response to pesticide use violations and clarity of the regulations. The proposed regulations include new definitions, clearer referral processes, expanded reporting requirements, and strengthened enforcement parameters for CACs. The proposed amendments clarify when the CAC must notify or involve prosecuting authorities or the Director, require

referrals of multijurisdictional priority investigations to the Director, and mandates initiating civil penalties based on the highest violation class. The proposed amendments redefine violation classification, raise minimum fines for Class A and B violations, lengthen the compliance history a CAC must consider before taking an action, and introduce a requirement to use statewide enforcement history to increase penalties for repeat Class A violations. This regulatory action also requires the Director review certain notice of proposed actions and adds a new requirement in 3 CCR section 6132 for DPR to annually report on actions taken pursuant to FAC section 12999.6.

The broad objective of the proposed regulations is to ensure appropriate statewide enforcement responses are taken by the CAC each time a violation(s) occurs related to agricultural or structural use of a pesticide and any use of a fumigant. The proposed action provides a benefit to the public, including California residents, and the environment by strengthening enforcement response regulations to further deter pesticide misuse and by reinforcing a consistent statewide enforcement program.

During the process of developing these proposed regulations, DPR conducted a search of any similar regulations on this topic and has concluded that these proposed regulations are neither inconsistent nor incompatible with existing state regulations. DPR is the only state agency that has authority to regulate the use of pesticides under the authority of FAC section 12781 to implement FAC section 12999.5.

Document Incorporated by Reference:

Three Party Memorandum of Understanding on Pesticide Episodic Reporting, Investigation, and Enforcement in the State of California, issued December 13, 2024.

CONSULTATION WITH OTHER AGENCIES

DPR consulted with the CACs in drafting these regulations.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR determined that the proposed regulatory action does not impose a mandate on local agencies or school districts. DPR also determined that there are no costs to any local agency or school district requiring reimbursement pursuant to Government Code section 17500 et seq. DPR determined that with the increase in minimum fine amounts, this would also increase revenue collected by the CACs when violation(s) occur. The anticipated increase in revenue resulting from the proposed regulations is estimated at \$390,735 and annually thereafter.

OTHER NONDISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES

There are no other nondiscretionary costs or savings imposed upon local agencies that are expected to result from the proposed regulation action.

COSTS OR SAVINGS TO STATE AGENCIES

DPR determined that no savings or increased costs to any state agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

DPR determined that no costs or savings in federal funding to the state will result from the proposed action.

EFFECT ON HOUSING COSTS

DPR made an initial determination that the proposed action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

DPR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulatory action will have no impact on lawful operations or pesticide users, pest control advisers, or pesticide dealers. Fines are incurred only for violations of FAC and 3 CCR. DPR anticipates an average cost of \$324.80 among non-compliant businesses cited for Class A, B, or C violations.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact on the Creation, Elimination, or Expansion of Jobs/Businesses: DPR determined it is not likely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California. The proposed regulatory action has no impact on the lawful operations of pesticide users or pesticide businesses, including pest control advisers and pesticide dealers. The proposed regulatory amendments revise appropriate enforcement responses to be taken by the CAC each time a violation(s) occurs to improve effectiveness and clarity of the regulations.

The proposed regulations are designed to promote the public health and welfare of California residents, promote worker health and safety and safeguard California's environment and natural resources by strengthening the deterrence pesticide use violations and local implementation of the statewide pesticide compliance and enforcement program by revising the appropriate enforcement responses to be taken by the CAC each time a violation(s) occurs to improve effectiveness and clarity of the regulations. The proposed amendments will permit CACs to effectively administer local enforcement of pesticide use laws and regulations, aimed at protecting human health and the environment. In this way, the proposed amendments will benefit

the public, including California residents and workers, by promoting compliance with pesticide law, regulations and lawful orders and deterring unlawful actions.

CONSIDERATION OF ALTERNATIVES

DPR must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of the law.

AUTHORITY

This regulatory action is taken pursuant to the authority vested by FAC section 12781.

REFERENCE

This regulatory action is to implement, interpret, or make specific FAC sections 12999.5 and 12999.6.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR prepared an Initial Statement of Reasons and is making available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulations may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, and the proposed text of the regulations; and inquiries regarding the rulemaking file may be directed to:

Lauren Otani, Regulations Coordinator
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015

Sacramento, California 95812-4015
916-445-5781

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory action may be directed to the following back-up person at the same address as noted below:

Sidney Bastura, Environmental Program Manager I
Enforcement Headquarters Branch
916-603-7753

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulations are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>. Upon request, the documents can be made available in another language, or an alternate form as a disability-related accommodation.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.