July 27, 2026

Lauren Otani, Regulations Coordinator
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, California 95812-4015

Via Smart Comment Portal: https://cdpr.commentinput.com?id=GRjbWU6P7

RE: Comments on DPR Enforcement Response Regulation No. 26-002

Dear Ms. Otani:

These comments are submitted by CRLA Foundation, Californians for Pesticide Reform, and Pesticide Action and Agroecology Network. As detailed below, we conclude that these proposed revisions to California's pesticide enforcement regulations partially fulfill the Department's stated intent to "strengthen the enforcement response regulations to further deter pesticide misuse and reinforce a consistent statewide enforcement program" because they significantly increase minimum fines for serious and repeat violations and require County Agricultural Commissioners (CACs) to consider a company's recent statewide history of past violations in setting fine levels. However, these proposed regulation revisions fall far short of what is needed because they include only a very modest ($50) proposed increase in minimum fines for moderate violations and retains the option for CACs to issue Decision Reports not to take enforcement actions for moderate violations. We are also dismayed to find that record-keeping violations, including violations of pesticide use reporting requirements, will still be subject only to very modest, optional fines.

Title 3 CCR Section 6128 Enforcement Response to Violations

Enforcement response to Class B or Moderate Violations

In past comments on DPR Enforcement Response Proposed Regulatory Concepts, which are attached, we advocated for making enforcement actions for Class B or Moderate Violations mandatory. Examples of Class B or Moderate Violations include failure to provide training for fieldworkers and pesticide handlers, and failure to provide decontamination supplies or protective equipment.[1] Properly training farmworkers and handlers about pesticides and providing decontamination supplies and protective gear is essential because training, washing supplies, and protective gear are the first lines of defense against pesticide illness and injury. Workers cannot protect themselves from hazards they do not understand, including how to avoid exposure, recognize signs and symptoms of poisoning, use protective equipment correctly, and respond to emergencies. Mandatory penalties create an incentive for employers to take training seriously and help ensure that workers receive the information they need to protect their health and safety. We frequently hear from farmworkers who have gotten little or no pesticide training. It is shockingly common for workers to be pressured to sign forms stating that they have received training when no training has been provided.

We are very concerned that these proposed changes fail to make enforcement action mandatory for Class B violations and in some situations make it easier for CACs to avoid taking enforcement actions. Table 1 below shows that between June of 2024 and June of 2026, only 20 fines were issued statewide for farmworker training violations and only 17 citations were issued for pesticide handler decontamination supply violations suggesting that employers often suffer no consequences for violation of these critical safety requirements.

We support the proposal to gradually increase the time period when past violations are counted from two years in 2027 to five years in 2030 but do not support narrowing the record from all Class A or Class B violations to violations of the same violative conduct. Under current regulation CACs are required to consider the entire history of all Class A (Serious) and Class B (Moderate) violations within the prior 2 years when deciding whether a new Class B violation triggers a mandatory enforcement response (fine or referral for prosecution).

At the very least, DPR should replace the proposed definition of “same violative conduct” with a broader definition such as “similar related violative conduct” to assess the history of past violations. For example, there are a number of code and regulation violations that may be cited as contributing causes of pesticide drift incidents. It would be appropriate to consider a company’s past history of all violations that contributed to pesticide drift incident exposures.

We are also concerned to see that this proposal more than doubles the time that CACs are allotted to file a decision report with the DPR Director (from 60 to 150 days) to explain a decision to merely issue a warning (rather than take an enforcement action in response to a moderate violation). The DPR Director then has 30 days to decide whether to approve or deny the decision report. If the decision report is denied, then the CAC has to proceed with an enforcement action and issue a fine. The net result of this proposed change will be a delay of up to 90 days in reversing a failure to take a needed enforcement action. We reiterate our opinion that mandatory fines for Class B violations are needed to meet the goal of adequately strengthening regulation to reduce pesticide misuse. The time that CACs spend in writing Decision Reports and DPR spends in reviewing them would be better spent in taking enforcement actions to deter future violations. Thus, DPR should not increase the allotted time to file a decision report with the DPR Director unless the CAC is conducting a follow-up inspection.

Enforcement Response to Reportable Investigations

We support the proposed requirement in section 6128(g) to notify the District Attorney, City Attorney or Circuit Prosecutor at the start of a "reportable investigation" and provide an opportunity for them to participate when a violation may have occurred. However, DPR should include the definition of "reportable investigation" in the regulation rather than incorporating it by reference from the three party MOU issued on December 13, 2024.

We support the proposed requirement in section 6128(g)(2) for a CAC to formally provide an opportunity for the District Attorney, City Attorney or Circuit Prosecutor to pursue a civil or criminal action for any violation identified in a "reportable investigation" as these investigations are reportable because they have caused extensive human health, property or environmental damage. We also support the requirement for the commissioner to notify DPR in writing whether the referral is accepted or rejected. However, an additional provision is needed to allow time for either the CAC or DPR to complete an enforcement action if the referral is rejected.

We also support the proposed requirement in section 6128(h) to refer violations found in "multijurisdictional priority investigations" as defined in FAC section 12999.6(a) to DPR for enforcement to avoid delays and disputes about how to proceed.

6130 Civil Penalty Actions by Commissioners

We support the proposed requirement in section 6130(a) that when a civil penalty action is taken, it must be taken on one or more of the violations with the highest violation class in the incident as this is an important requirement in determining an appropriate civil penalty amount.

The proposal to split Class A violations into Class A(1) for violations that caused a health hazard and Class A(2) for violations that caused a property or environmental hazard is logical. The proposal increases the minimum fines for Class A(1) and A(2) violations to levels that are appropriate to strengthen enforcement and more effectively deter violations. DPR should also incorporate by reference the requirements of FAC section 19996.5(b): "The exposure of each person to a pesticide resulting from the violation of Section 12972 or 12973, or any regulation adopted pursuant to Section 12976, 12981, or 14005, that causes acute illnesses or injury, shall constitute a separate violation of the statute or regulation."

In contrast, the very modest increase in minimum fines for Class B violations from $250 to $300 will not significantly strengthen enforcement or effectively deter violations. As mentioned above, Class B violations include safety training violations and violations of requirements to provide protective gear and decontamination supplies that are not known to have resulted in illness. Thorough training and provision of decontamination supplies and required protective gear is vital as a first line of defense to give workers the tools to reduce their exposure to pesticides as much as possible and the risk of both immediate and chronic illness that this exposure carries. As shown in Table 1 below, between June 2024 and June 2026, a majority of fines for violations of farmworker training and pesticide handler protective equipment (PPE) and decontamination supplies requirements were only $250, the current minimum for Class B violations. In our comments on the Regulatory Concepts, we recommended increasing the minimum fine for Class B violations to $750.

We are also very concerned that this proposal fails to increase minimum fines for Class C or record keeping violations or make fines mandatory for any of these violations. It continues to specify that pesticide use record requirements, notification of schools about pesticides that may be applied nearby, and agricultural pilot and Pest Control Advisor county registration requirements are classified as Class C violations subject to very low ($50 to $400), non-mandatory fines. At the very least, DPR should establish a separate C(1) tier for these requirements and make fine levels for these violations higher and mandatory. As shown in Table 1 below, a majority of fines for pesticide use reporting (PUR) violations between June

2024 and 2026 were $100 or less. It is also concerning that there were only 26 fines for PUR violations statewide over a two year period because it suggests that most PUR violations did not result in fines.

Table 1: Size of fines for pesticide use reporting and common worker safety violations between June 1, 2024 and June 30, 2026

Violation description (3CCR §)	# Fines Statewide June 1, 2024-June 30, 2026	$50-$100	$101-$250	$251-$750	>$750
Pesticide Use Reporting (§6624)	4	75%	25%	-	-
Pesticide Use Reporting (§6626)	22	54%	28%	18%	-
Pesticide handler washing supplies (§6734)	17	12%	71%	17%	-
Pesticide PPE (§6738)	122	2%	55%	37%	6%
Emergency Medical Posting (§6726)	67	12%	80%	7%	1%
Farmworker Training (§6764)	20	-	55%	40%	5%

Source: CDPR Pesticide Enforcement County Civil Penalties database https://www.cdpr.ca.gov/enforcement/

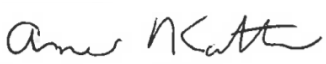
In contrast, we strongly support the proposed amendments to section 6130(d), which requires CACs to consider the statewide history of prior enforcement actions in setting fine levels, with a minimum 20% increase required from the prior violation penalty, up to the Class A1 or A2 penalty maximum. A phase in from 2 years of enforcement history to 5 years of enforcement history is also proposed. Considering a company's pesticide use track record in other counties is a very important way to deter future violations. For effective implementation, DPR will need to set up a constantly updating database for Ag Commissioners to check companies' statewide track records. For transparency, DPR should make this database public facing.

We support the proposed requirement for DPR to annually publish an enforcement report but in addition to describing enforcement actions taken by the Department, this report should include enforcement actions taken by county CACs. A record of all violations documented in CAC inspections and investigations including those that do not result in any civil penalty should

also be required to be provided either with this report or included in the DPR enforcement database.

We urge you to make the modifications we recommend in order to more effectively deter pesticide use violations, better protect farmworkers, pesticide handlers, and California residents, and improve accuracy of California's pesticide use reporting system. Please contact Anne Katten at akatten@crlaf.org if you have any questions about these comments.

Sincerely,



Anne Katten, CRLAF

Angel Garcia, CPR

Margaret Reeves, Pesticide Action and Agroecology Network

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[1] Failure to provide protective gear or decontamination supplies is generally classified as a moderate violation when the violations have not resulted in a known illness.