

# Department of Pesticide Regulation

## CEQA Functional Equivalency and Cumulative Impacts

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# Discussion Points

- DPR's CEQA Functional Equivalent
- Cumulative Effects for Pesticide Use
- Comparing DPR CEs to THP CEs
- Discussion/Questions

## DPR's CEQA Functional Equivalent

**1976:** Atty. General decision state's pesticide regulatory program must comply with CEQA.

- EIR for each pesticide before registered.
- CACs prepare EIR prior to issuing individual permits for "restricted" pesticides.

**1978:** Legislation passed (Chapter 308, AB 3765) creating review process equivalent to an EIR.

# DPR's CEQA Functional Equivalent (cont'd.)

## BENEFITS

- No EIR for an individual product or permit.

## REQUIREMENTS

- Additional data review before product registered.
- Document environmental impacts, mitigation measures, and alternative
- Revised regulations for registration & evaluation.
- Public notice of proposed actions & decisions.
- Site-specific permits to use restricted pesticides.

**1979:** "Registration, evaluation, and classification of pesticides," as functionally equivalent to CEQA."

(Cal. Code Regs., Title 14, § 15251, subd. (i).)

# Cumulative Effects for Pesticide Use

- CEQA Obligations under Functional Equivalency
- Cumulative Effects & Product Registration

## Cumulative Effects - CEQA Obligations

- Satisfy policies, goals & standards of CEQA NOT CEQA's EIR requirements (functional equivalency).
- Consider full, reasonably foreseeable environmental context of our actions.
- Unlike a timber harvest plan, DPR's actions do not constitute a project in the classical CEQA context - there is not a one time environmental review of a specific action or activity that has a specific geographical location or temporal limit.
- Our program includes a regulatory scheme that assures a continuous evaluation of the environmental impacts of registered pesticide products.

# Cumulative Effects & Product Registration

## Registration

- Assess whether use of a pesticide is likely to have a significant adverse effect.
- If "yes", determine if can mitigate to less than significant by label or other restrictions.
- If yes, product is registered, possibly as a restricted material.
- If "cannot mitigate" refuse to register.

## Re-register

- Annual request for new information on products to determine if registration is still valid.

# Cumulative Effects & Product Registration

## Reevaluation

- Evidence indicates a possibility of continued use as currently allowed may have a "significant effect".
- Data requests and evaluations to determine if additional regulatory action is warranted. Decisions:
  - No additional action warranted.
  - Additional action warranted and effects can be mitigated.
  - Effects cannot be mitigated (possible cancellation).

## Restricted Material

- Permit from County Ag. Commissioner required.
- Farmer or pesticide business must be certified by DPR, I.e. specified training required.
- CAC has discretion to require additional protective measures, or can refuse to issue permit.
- Decision based on circumstances surrounding application site, and foreseeable impact of application.