

Audit of California's Pesticide Complaint Program

U.S. Environmental Protection Agency, Region 9

San Francisco, CA

Final Report

August 3, 2026

I. Executive Summary

The EPA Region 9 (EPA) conducted an audit of California's pesticide complaint program to:

- A. Determine if the state's complaint tracking system is adequate when reviewed against the criteria laid out in the FIFRA State Primacy Enforcement Responsibilities: Final Interpretive Rule; and
- B. Evaluate whether follow-up investigations are being done timely and efficiently.

This audit was part of a larger concurrent effort to look at the pesticide complaint programs in all states within EPA Region 9, which includes California, Arizona, Nevada, and Hawaii.

The EPA made its assessments of the adequacy of the state's complaint tracking system by evaluating California Department of Pesticide Regulation (DPR) responses to five questions. Responses from the California Agricultural Commissioners and Sealers Association (CACASA) were also included to provide perspective about how the process works at the county level. In California, pesticide use investigations are carried out by the 55 County Agricultural Commissioner (CAC) offices across the state. These responses can be found in section V. Evaluation, part A. "Determining if the state's complaint tracking system is adequate."

The EPA made its evaluation of whether follow-up investigations are being done timely and efficiently by selecting ten complaint investigation files at random, for in-depth review, and answering numerous questions. Follow-up questions asked by the EPA or responses provided by the DPR or CACASA are also included. These responses can be found in section V. Evaluation, part B. "Evaluating how complaints are being processed and whether it's being done timely and efficiently."

For each complaint file reviewed, the EPA Region 9's Enforcement and Compliance Assurance Division (ECAD) staff did the following:

- a. Reviewed the entire investigation report to assess the thoroughness and adequacy of the investigation.
- b. Assessed the timeliness of initiating and completing the investigation.
- c. Assessed the state's adherence to its own Standard Operating Procedures (SOP) for complaint follow-up.
- d. Communicated with DPR during the review process to ensure all information provided was complete and to ask follow-up questions as necessary.

Findings and recommendations made by the EPA can be found in section VI. Findings and Recommendations. In this section, the EPA commended the DPR and CACs for meeting or exceeding expectations in steps A. and B. above. California has an adequate, robust complaint tracking system with the ability to receive pesticide-related complaints from a variety of sources. Complaint investigations conducted by CACs were timely, efficient, and

thorough. Investigations appeared to follow the state’s SOP for all reviewed complaints. CAC inspectors interviewed all relevant parties, when a party could be reached, and made multiple attempts to reach a party before closing an investigation when no further leads could be developed.

II. Introduction

The U.S. Environmental Protection Agency, Region 9 (EPA), conducted an audit of California’s pesticide complaint program. The state lead pesticide agency in California is the California Department of Pesticide Regulation (DPR). Unique to California, the DPR further delegates pesticide use enforcement to the 55 County Agricultural Commissioner (CAC) offices across the state. This audit was part of a larger concurrent effort to look at the pesticide complaint programs in all states within EPA Region 9, which includes California, Arizona, Nevada, and Hawaii. Separate reports were written for each state within EPA Region 9.

III. Background

The [2022-2025 FIFRA Cooperative Agreement Guidance](#) requires state grantees, under Activity 01.00.03, to “*Respond to pesticide inquiries, concerns, tips, and complaints from the public.*”

The [FIFRA State Primacy Enforcement Responsibilities: Final Interpretive Rule](#) (January 5, 1983) (hereafter referred to as the “Final Interpretive Rule”), which clarifies requirements for states to obtain and maintain primacy, along with oversight responsibilities by the EPA under FIFRA Sections 26 and 27, says that states must show that they have adopted “*adequate procedures*” for implementing/enforcing their regulatory authority (Final Interpretive Rule, 48 Fed. Reg. 408). One of the procedures is “*processing complaints*”, where states “*must implement a system for quickly processing and reacting to complaints or other information indicating a violation*” (Final Interpretive Rule, 48 Fed. Reg. 409). Table 1 describes the five criteria for an adequate referral system.

Table 1. An adequate pesticide complaint referral system should contain the following five criteria.

a. A method for funneling complaints to a central organizational unit for review.
b. A logging system to record the receipt of the complaint and to track the stages of the follow-up investigation.
c. A mechanism for referring the complaint to the appropriate investigative personnel.
d. A system for allowing a rapid determination of the status of the case.
e. A procedure for notifying citizens of the ultimate disposition of their complaints.

In addition, the Final Interpretive Rule requires the EPA to examine whether complaints have been processed “*quickly and efficiently*” (Final Interpretive Rule, 48 Fed. Reg. 410), without defining the term “quickly”. For the purposes of this audit, we substituted the word “timely” in place of “quickly”.

IV. Audit Overview

The EPA initiated this audit to evaluate the state’s pesticide complaint tracking and follow-up investigation process to ensure citizens’ concerns are being quickly addressed. The audit consisted of two steps:

- A. Determining if the state’s complaint tracking system is adequate; and
- B. Evaluating how complaints are being processed and whether it’s being done timely and efficiently.

For step A, the EPA requested that the state provide responses to the following questions via email:

1. What is the system/process used to funnel complaints for further review? Who initially receives complaints for further review? Is there a specific organizational unit?
2. What is the system/process used to log complaints and to track the stages of the investigation?
3. What is the system/process used to refer complaints for further investigation?
4. What is the system/process used to determine the progress of the investigation or case? How long does it typically take to make this determination when asked for a status update?
5. What is the system/process for notifying the complaint submitter of the end result to their complaint?
6. Please provide a generalized example describing the complaint follow-up process from cradle to grave (i.e. initial receipt to investigation to case close out).

The responses to these questions are listed below in section “V. Evaluation”.

For step B, the EPA began by requesting that the state provide the following information:

1. Complaint response Standard Operating Procedure (SOP) documents.
2. A list of all pesticide use complaints (both agriculture and non-agriculture related) received during calendar year 2023 (January 1, 2023 – December 31, 2023).

The state submitted two SOP documents. The first was the “Investigation Objectives and Procedures”, Volume 5, Chapter 2, of the [Pesticide Use Enforcement Standards Compendium](#). Per the DPR, Volume 5 of the Compendium contains the SOP for all pesticide-related complaint investigations and should be followed by CAC staff. Chapter 2 outlines what CAC staff should do when a complaint is received.

The second SOP document was “The Special Investigator Desktop Manual 2024”. Per the DPR, this is the DPR’s SOP for when complaints, concerns, or issues are received from the CalEPA complaint system, the US EPA, or directly from the public where the DPR is responsible for routing to the proper investigating agency.

The state submitted a “Complaint Log_2023” spreadsheet as the list of complaints received in calendar year 2023. It contained three tabs. The first tab, “CAC Complaint Log”, included the complaints received by CACs. The second tab, “CalEPA Complaint Log”, included complaints received by the DPR from the CalEPA Complaint System. The third tab, “DPR Received Complaints”, included complaints received by the DPR from outside the CalEPA complaint system.

From the list of complaints, the EPA randomized and selected 20 complaints, ensuring that no county was included more than once. The EPA excluded any counties that were previously reviewed in the EPA’s [California Counties Priority Episode Audit](#) (February 8, 2023). The EPA requested these 20 complaint files from the DPR. Of the 20, ten of them were selected from the “CAC Complaint Log” tab, five from the “CalEPA Complaint Log” tab, and five from the “DPR Received Complaints” tab. The DPR provided files for 17 of the 20 complaints, explaining that three of the files from the “CAC Complaint Log” were determined to not actually be complaints. These three files were actually Violation Notices issued by CACs to entities that failed to submit pesticide use reports. From the 17 files received, the EPA randomly selected 10 complaints for review and retained the other 7 files as backups in case a complaint file was determined to not meet the criteria for inclusion in the audit. Table 2 lists the 20 complaint files requested from the DPR, county of occurrence, source, and the complaint’s review status by the EPA.

Table 2. Complaint files selected and their review status.

#	County of Occurrence	Complaint ID	Source of Complaint	Review Status
1	Napa	12	DPR Received	Reviewed
2	San Bernardino	INV-36-20230524-030	CAC Complaint Log	Reviewed
3	San Diego	INV-37-20230801-039	CAC Complaint Log	Reviewed
4	San Luis Obispo	COMP-57140	CalEPA Complaint Log	Reviewed
5	Alameda	49	DPR Received	Reviewed
6	Monterey	INV-27-20230912-040	CAC Complaint Log	Reviewed
7	Orange	INV-30-20230803-067	CAC Complaint Log	Reviewed
8	Placer	COMP-56379	CalEPA Complaint Log	Reviewed
9	Riverside	INV-33-20230516-081	CAC Complaint Log	Reviewed
10	Los Angeles	INV-19-20230718-156	CAC Complaint Log	Reviewed
11	Mendocino	COMP-56252	CalEPA Complaint Log	Not reviewed, retained as a backup
12	Sacramento	27	DPR Received	Not reviewed, retained as a backup
13	Contra Costa	19	DPR Received	Not reviewed, retained as a backup
14	Ventura	INV-56-20230417-021	CAC Complaint Log	Not reviewed, retained as a backup
15	San Joaquin	COMP-56217	CalEPA Complaint Log	Not reviewed, retained as a backup
16	Sonoma	48	DPR Received	Not reviewed, retained as a backup
17	Merced	COMP-56076	CalEPA Complaint Log	Not reviewed, retained as a backup
18	Mariposa	INV-22-20230831-030	CAC Complaint Log	Not actual complaint, file not provided
19	Fresno	INV-10-20230719-127	CAC Complaint Log	Not actual complaint, file not provided
20	Yuba	INV-58-20231219-039	CAC Complaint Log	Not actual complaint, file not provided

IV.a. Complaint File Review Process

EPA staff conducted a thorough review of all the documents provided for each complaint. Reviewers answered the following questions for each complaint:

- When was the complaint received?

- How was the complaint received (e.g. phone call, email, tip website)?
- Who was the source of the complaint (e.g. citizen, private company, government agency, non-profit, healthcare provider)?
- Was any language interpretation needed to receive the complaint? If so, what language(s)?
- What was alleged in the complaint (summarize)?
- When did the investigation begin? If not investigated, why not?
- How long did it take to initiate the investigation after becoming aware of the complaint?
- When did the investigation end?
- How long did it take to complete the investigation after initiation?
- How did the State (or County Agricultural Commissioner in California) follow up?
- Was sampling conducted if warranted? If so, what kind of sampling?
- Were interviews conducted with the relevant parties (e.g. complainants, applicators, workers, property owners, employers, residents, etc.)?
- Was any language interpretation needed to conduct the interview? If so, what language(s)?
- Were relevant photos taken?
- Were relevant records collected?
- Did the investigation follow the State's procedures (SOP) for following up on complaints?
- What was the outcome of the investigation?
- What was the enforcement response if violations were identified?
- Did the incident meet the State's current criteria as a "high level episode"? If so, was the incident reported to the EPA Region 9?
- Does the EPA reviewer have any concerns with the investigation?

IV.b. Audit Participants

EPA Region 9

- Timothy Hyles, Inspector, Toxics Section
- Johnea Hampton, Inspector, Toxics Section
- Zackary Hovland, Inspector, Toxics Section
- Elizabeth Houk, Inspector, Toxics Section
- Eliana Stone, Inspector, Toxics Section
- Matt Salazar, Manager, Toxics Section
- Kaoru Morimoto, Former Assistant Director, Air, Waste & Chemicals Branch
- Amy Miller, Division Director

DPR

- Ken Everett, Deputy Director
- Joshua Ogawa, Enforcement Branch Chief, Headquarters
- Donna Marciano (Retired), Enforcement Branch Chief, Regional Offices
- Fidel Perez, Enforcement Branch Chief, Regional Offices
- Sidney Bastura, Environmental Program Manager

CACASA

- Lindsey Carter, CACASA Executive Director
- Melissa Cregan, CACASA President, County of Fresno Agricultural Commissioner/Sealer
- Chris DeNijs, CACASA President-Elect, County of Nevada Agricultural Commissioner/Sealer
- Juan Hidalgo, CACASA Past President, County of Monterey Agricultural Commissioner/Sealer
- Steve Scheer, CACASA Pesticide Regulatory Affairs Committee Chairperson, County of Yuba Agricultural Commissioner/Sealer

IV.c. Key Dates and Milestones

Table 3 lists key dates and milestones in this audit.

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Date	Milestone
February 5, 2025	The EPA hosted a kickoff meeting with the DPR and CACASA.
February 5, 2025	The EPA sent a written request for the complaint response SOPs and list of complaints for calendar year 2023. The EPA also requested a written response to questions to help determine if the complaint tracking system is “adequate”.
February 19, 2025	The DPR shared the SOPs and list of complaints for calendar year 2023.
February 21, 2025	The EPA randomly selected 20 complaint files and requested the investigation and enforcement documents.
March 7, 2025	The DPR shared the necessary complaint investigation and enforcement files with the EPA and submitted the written response to questions designed to determine if the complaint tracking system is “adequate”.
March 10, 2025	The EPA initiated review of the complaint investigation case files and enforcement responses.
July 17, 2025	The EPA finished the review of complaint investigation case files and enforcement responses.
January 27, 2026	The EPA produced a draft report detailing its findings and recommendations. This initiated a 30-day review and comment period by the DPR and CACASA.
March 6, 2026	DPR and CACASA submitted comments on the draft report.
May 15, 2026	The EPA produced a second draft report detailing its findings and recommendations and provided DPR and CACASA two weeks for additional review and comment.
May 29, 2026	DPR and CACASA submitted comments on the second draft report.
August 3, 2026	EPA incorporated feedback and produced the final report.

V. Evaluation

A. Determining if the state’s complaint tracking system is adequate

The DPR and CACASA provided the following responses to the EPA’s questions, which were designed to determine if the state’s complaint tracking system is adequate as required

under the Final Interpretive Rule (48 Fed. Reg. 409). DPR and CACASA responses are listed verbatim. The EPA's evaluation immediately follows each DPR response for questions 1 through 5. An evaluation is not provided for question 6. The EPA's overall evaluation of the adequacy of the state's complaint tracking system can be found below in section "VI. Findings and Recommendations".

1. *What is the system/process used to funnel complaints for further review? Who initially receives complaints for further review? Is there a specific organizational unit?*

Response from DPR

The California Department of Pesticide Regulation (Department) receives complaints through the Department's general email addresses, the main phone number, the United States Postal Service, outside agencies, fax, California Environmental Protection Agency's (CalEPA) Complaint System, local medical clinics (sometimes via CalREADIE), California Poison Control System (via Pesticide Incident Report), Workers' Compensation Reports (via Doctor's First Report of Occupational Injury or Illness), or any other method. Anyone in the Department may receive a complaint, however complaints about possible pesticide misuse are forwarded to the Enforcement Headquarters Branch.

Once a complaint is received by the Enforcement Headquarters Branch, the Enforcement Headquarters Branch's Special Investigator reviews it and determines how to proceed.

Response from CACASA

CACs may receive complaints from a variety of sources including referrals from other agencies, emails, phone calls, or website complaint forms. Once a complaint is received, each county will have their own internal process for review depending upon organizational structure and resource allocation.

EPA Evaluation

This satisfies the criteria for having "*a method for funneling complaints to a central organizational unit for review*" (48 Fed. Reg. 409). The Enforcement Headquarters Branch and Special Investigator serve as the central organizational unit for funneling complaints.

The EPA created Figure 1 to illustrate the various ways complaints can be received in California.

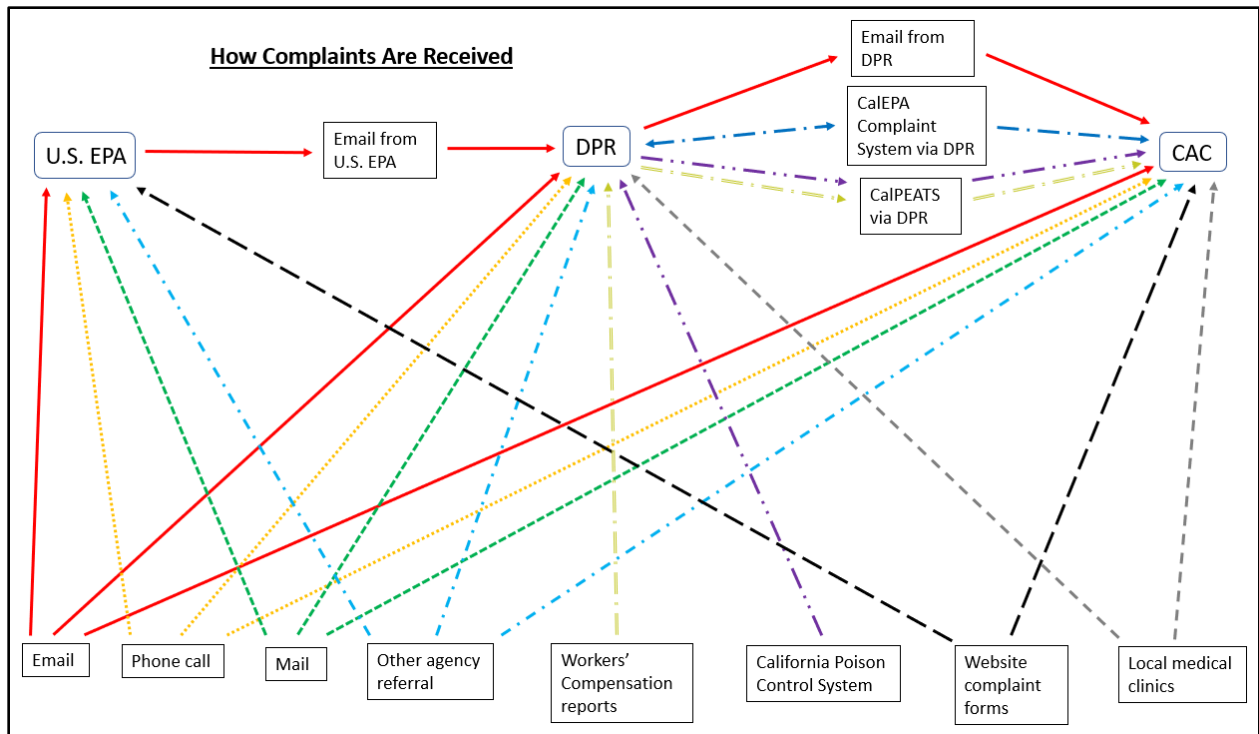


Figure 1. Illustration of the various ways complaints can be received in California.

2. What is the system/process used to log complaints and to track the stages of the investigation?

Response from DPR

All complaints received by the Department are logged into an internal complaint log by the Special Investigator.

For complaints sent to the local County Agricultural Commissioner's Office to investigate, such as possible pesticide misuse, Enforcement Headquarters Branch notifies the local County Agricultural Commissioner, the Enforcement Branch Liaison assigned to that county, and the management of the associated Regional Office. The Enforcement Branch Liaison works with the County Agricultural Commissioner's Office if investigative samples need to be taken, or the Commissioner has procedural questions during investigation. Investigations are uploaded into the California Pesticide Enforcement Action Tracking System (CalPEATS).

When the County Agricultural Commissioner investigates a Reportable Investigation (formally referred to as Priority Episode), the County Agricultural Commissioner notifies the Department when an investigation is initiated, provides a 45-day update on the progress of the investigation (formally the 15-day Report), and notifies the Department when the investigation is closed. The Department may review the investigation at any time in CalPEATS.

For complaints that are not related to pesticides, DPR's Special Investigator will refer the complaint to the appropriate agency if possible.

Response from CACASA

All complaints received by the Counties are logged, with each County having their own internal process and procedures for tracking investigations based on their organizational structure. There are instances when CACs receive pesticide complaints directly from the public or pesticide exposure incident information directly from local medical clinics. All complaints are logged, tracked, and investigated following the procedures in the Investigation Procedures, Compendium Volume 5.

EPA Evaluation

This satisfies the criteria for having *"a logging system to record the receipt of the complaint and to track the stages of the follow-up investigation"* (48 Fed. Reg. 409). The internal complaint log maintained by the Special Investigator, along with the CalPEATS system, serves as the logging system to record the receipt of complaints and track the stages of the follow-up investigation conducted by CACs. Per the DPR's Pesticide Use Enforcement Standards Compendium (hereafter referred to as "Compendium"), Volume 5, Chapter 1, page 2, CACs also maintain their own complaint logs for non-priority episodes and DPR Enforcement Branch Liaisons monitor these logs.

3. What is the system/process used to refer complaints for further investigation?

Response from DPR

When a complaint is submitted through the CalEPA complaint system, the Special Investigator determines if it should be referred to the local County Agricultural Commissioner's Office. If the complaint should be referred to the local County Agricultural Commissioner for investigation, the Special Investigator will list the Investigating County in the CalEPA complaint system. The County Agricultural Commissioner will receive an email stating that they are assigned a complaint and provide them with a link to access the complaint in the CalEPA complaint system.

When a complaint is received outside of the CalEPA complaint system, it is referred through email to the appropriate agency to investigate.

Response from CACASA

During an investigation, if the CAC discovered that another agency, such as DPR, Environmental Health, or Cal OSHA, have jurisdiction, they will refer to the appropriate agency.

EPA Evaluation

This satisfies the criteria for having “*a mechanism for referring the complaint to the appropriate investigative personnel*” (48 Fed. Reg. 409). Regardless of complaint source, pesticide use complaints are forwarded by the DPR to the relevant CAC for investigation via the CalEPA complaint system or email. In addition, per the DPR’s Compendium, Volume 5, Chapter 1, page 7, CACs also refer complaints to the appropriate county if a pesticide use incident is determined to have occurred in a different county than where the complaint was initially received.

4. What is the system/process used to determine the progress of the investigation or case? How long does it typically take to make this determination when asked for a status update?

Response from DPR

When the Department refers a complaint to the local County Agricultural Commissioner, the County Agricultural Commissioner is responsible to investigate all pesticide-related complaints they receive. Once the County Agricultural Commissioner creates an investigation in CalPEATS, the investigation status is listed as “in progress” or “closed.” For non-Reportable Investigations, the Department contacts the County Agricultural Commissioner to request an update on the progress of an investigation or case.

For Reportable Investigations (previously called Priority Episode Investigations), the investigating County Agricultural Commissioner must notify the Department as soon as possible about the reportable investigation and begin the investigation within three days. Within 45-days of the reportable investigation pesticide notification issuance, the County Agricultural Commissioner updates the Department on the investigation and progress. Within 45 days of closing the investigation, the County Agricultural Commissioner notifies the Department of the conclusion of the investigation. The Department can review the investigation in CalPEATS.

If an update is requested, it typically takes a few days to receive the information. If DPR needed to obtain an immediate update from a CAC about a complaint, staff would call the investigating county.

When DPR refers a non-pesticide related complaint to the responsible agency for investigation, DPR does not normally ask the investigating agency for the progress of the investigation or case.

Response from CACASA

Monitoring an investigation's progress depends on the CAC department's structure. CalPEATS can track investigation duration and statuses, such as "in progress" or "under review." Status updates should be timely but may vary based on internal procedures, including review requirements and staff availability, as well as the urgency of the request.

EPA Evaluation

This satisfies the criteria for having “*a system for allowing a rapid determination of the status of the case*” (48 Fed. Reg. 409). The DPR has the ability to look for the current status of an investigation or case in CalPEATS. In addition, upon request, the DPR can receive general status updates within a few days, which is reasonable. The DPR can also obtain immediate updates by phone when needed.

5. What is the system/process for notifying the complaint submitter of the end result to their complaint?

Response from DPR

For complaints referred to and investigated by the local County Agricultural Commissioner, the complainant is referred to follow up with the County Agricultural Commissioner to request a copy of the investigation.

For complaints received through the CalEPA complaint system, the County Agricultural Commissioner is requested to fill out a form within the system to close the complaint. The County Agricultural Commissioner must respond to four questions with a yes or no:

- a. Did you conduct a site visit?
- b. Why didn't you conduct a site visit?
- c. Did you find violations or compliance issues?
- d. Is enforcement complete?

The CAC may also describe any on-going enforcement efforts including a summary of the investigation. Once closed by the CAC, the Special Investigator gets notified to review the complaint. The Special Investigator will review and close the complaint, and the CalEPA complaint system will send an email to the complainant notifying them the complaint is closed. It provides the complainant with the Special Investigator's contact information, the closure reason and the external agency (e.g. County Agricultural Commissioner investigating). The email directs the complainant to follow up with the investigating County Agricultural Commissioner for more information.

If the complainant requests a copy of the investigation from the Department and the investigation is closed in CalPEATS, the Department will provide the investigation under the California Public Records Act. The request is typically fulfilled within 10 days. If the investigation is still in progress, DPR will notify the complainant of the status of the

investigation and refer the complainant to follow up with the local County Agricultural Commissioner. This process is the same for all complaints, regardless of how the complaint was received.

For complaints referred to agencies other than the local County Agricultural Commissioner, DPR will refer the complainant to the agency.

Response from CACASA

Following Compendium Volume #5- Investigation Procedures, each CAC may have their own internal process of notifying the complaint submitter of the results of an investigation. At a minimum, requests for investigation copies are treated as public records requests, and counties will adhere to their specific procedures for handling these requests. Some counties may also have separate procedures outside of the public records act to provide copies of an investigation directly to the complainant.

EPA Evaluation

This satisfies the criteria for having “*a procedure for notifying citizens of the ultimate disposition of their complaints*” (48 Fed. Reg. 409). DPR processes inform complainants about the result of the investigation and how to receive the final investigation report via a public records request (i.e. California Public Records Act request) or by contacting the relevant CAC. Complainants are also advised to contact the relevant CAC (or other agency if outside of CAC jurisdiction) to obtain additional information.

6. Please provide a generalized example describing the complaint follow-up process from cradle to grave (i.e. initial receipt to investigation to case close out).

Response from DPR

A complaint is received by the Department’s Special Investigator. If the complaint is determined to be pesticide related, the Special Investigator refers the complaint to either the local County Agricultural Commissioner, another unit within the Department such as Product Compliance, or the appropriate agency. If the complaint is not pesticide related, the Special Investigator will try to refer the complaint to the appropriate agency. The Department does not normally ask the investigating agency for follow-up reports on routine complaints.

Once the local County Agricultural Commissioner receives the complaint from the Department, they initiate an investigation. Upon completion, the County Agricultural Commissioner uploads the investigation and any supporting documents into the CalPEATS. If the complainant requests follow-up information, once completed, the local County Agricultural Commissioner and/or the Department will provide the investigation report and associated documents.

Response from CACASA

When a complaint is received, it is reviewed to determine if it is related to pesticides and where it occurred. If further information is needed, the complainant will be contacted for additional details. If the incident took place outside the county, the complaint will be forwarded to the relevant CAC for investigation. If it is not pesticide-related, it will be directed to the proper agency for follow-up.

Pesticide complaints within the county are assigned for investigation. Each complaint follows the Investigation Procedures from Compendium Volume 5. After completion, the investigation is reviewed internally by the CAC. Reportable incidents are sent to the DPR Enforcement Branch Liaison (EBL) for review, which may lead to report revisions.

Upon finalization of the report, the complainant will be informed of the investigation's outcomes in accordance with the established procedures of the CAC.

The EPA created Figure 2 to illustrate the pesticide use complaint follow-up process in California.

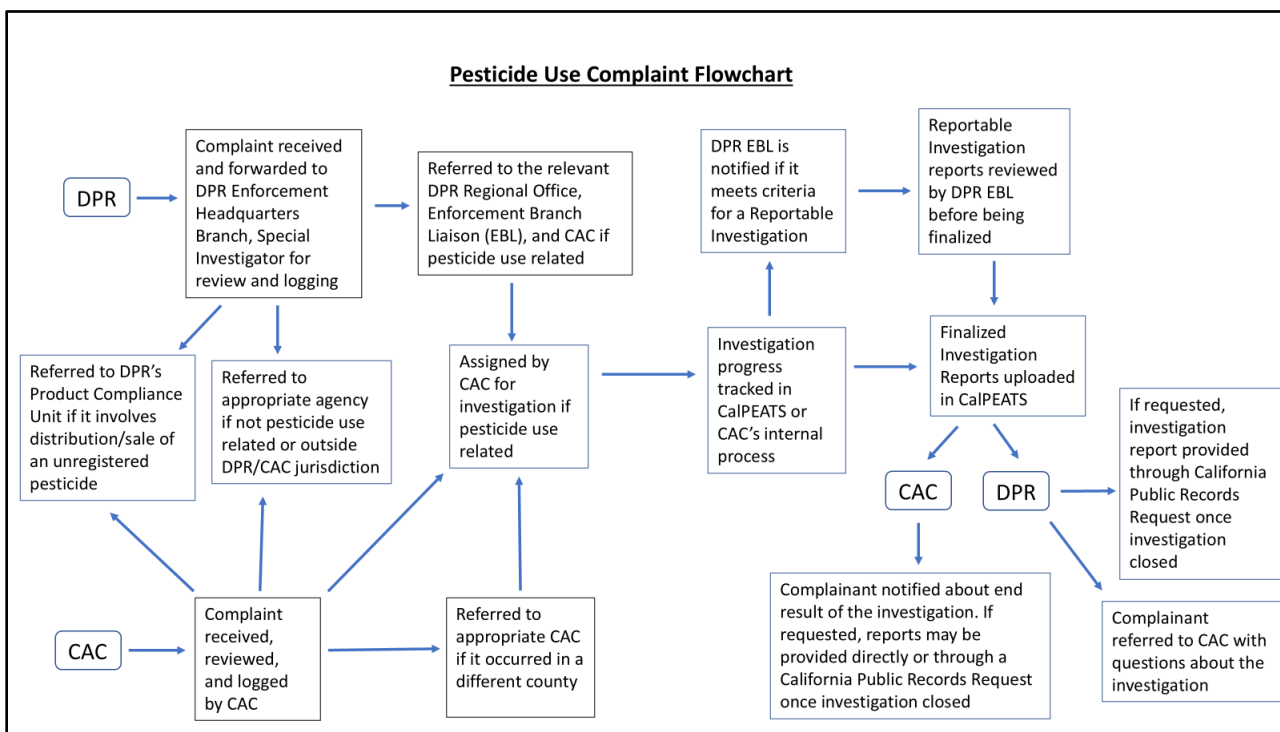


Figure 2. Flowchart illustrating the pesticide use complaint follow-up process in California.

B. Evaluating how complaints are being processed and whether it's being done timely and efficiently

This section summarizes the EPA's evaluation as reviewers answered a consistent set of questions for each complaint. The questions are first listed, followed by the summarized evaluation. Many of the responses recorded by the EPA reviewers were compiled into a

spreadsheet (see Appendix 1). The EPA's overall evaluation of the timeliness and efficiency of the investigations can be found below in section "VI. Findings and Recommendations".

When was the complaint received? When did the investigation begin? How long did it take to initiate the investigation after becoming aware of the complaint? When did the investigation end? How long did it take to complete the investigation after initiation?

Refer to Appendix 1, columns E through I, for the full responses recorded by the EPA reviewers. The EPA used the date when an investigation report was prepared or submitted as the investigation completion date. The average duration between when a complaint was received and when the investigation began was between 3-4 days with a median duration of 0 days. Most investigations (six) were started on the same day the complaint was received. The San Bernardino investigation took the longest to begin the investigation at 23 days. The average length of an investigation from start to finish was 30 days with a median duration of 29 days. All investigations were completed within 69 days.

The EPA asked the DPR why the San Bernardino investigation took so much longer to begin. The DPR explained that the delay was due to the assigned officer being on sick leave and concurrently managing two other active investigations. Internal processes have been updated to ensure this does not occur again.

How was the complaint received (e.g. phone call, email, tip website)? Who was the source of the complaint (e.g. citizen, private company, government agency, non-profit, healthcare provider)?

Refer to Appendix 1, columns J and K, for the full responses recorded by the EPA reviewers. Most of the complaints (six) were first received via Pesticide Incident Report (PIR), two via the CalEPA complaint system, one via email, and one via phone call. The PIRs appeared to always be initiated by healthcare professionals who called the California Poison Control System (CPCS). The PIRs state, *"This is a Pesticide Incident Report being submitted by the California Poison Control System through a co-operative effort between the California Poison Control System and the Department of Pesticide Regulation."* The CPCS completed the PIRs.

The EPA reviewers were not always certain who the PIRs were submitted to next by the CPCS because of inconsistencies in what is being written in the "Received From" and "Representing" fields of the Pesticide Episode Investigation Reports (PEIR). This caused confusion in determining how the CAC learned about complaints that originated from a PIR. Based on the investigation reports, it appeared that some PIRs were submitted to the DPR's Worker Health and Safety Branch, and some were submitted directly to the relevant CAC. Any PIRs submitted to DPR's Worker Health and Safety Branch were evidently routed to the appropriate CAC. One investigation report stated that the PIR was received from CalPEATS. According to the DPR's Compendium, Volume 5, Chapter 2, page 29, the Worker Health and Safety Branch receives PIRs and sends them to the appropriate CAC via CalPEATS.

Table 4 shows the differences in what was written in the “Received From” and “Representing” fields of the PEIRs.

Table 4. Pesticide Episode Investigation Report "Received From" and "Representing" field entries for complaints received via a Pesticide Incident Report.

County	Received From	Representing
San Bernardino	CalPEATS	WHS/DPR
San Diego	WHS	DPR
Monterey	CalPEATS	DPR
Orange	CA Poison Control System	ORA CAC
Riverside	CA Poison Control	(Blank)
Los Angeles	PIR (1 st PEIR) WHS-DPR (2 nd PEIR)	(Blank)

Response from DPR

The DPR explained that the majority of PIRs are sent from DPR to the CACs directly. However, the Health and Safety Code requires physicians to report pesticide illness to the Local Health Officer. The Local Health Officer must immediately notify the CAC, at times, bypassing DPR. According to DPR’s Worker Health and Safety (WHS) Branch, this is a rare occurrence and WHS is notified about the illness if this occurs.

Response from CACASA

The CACASA explained that a PIR from DPR is generally the first time a CAC learns of that particular incident for investigation. All PIRs are received by CACs through CalPEATS from the Worker Health and Safety Branch.

Was any language interpretation needed to receive the complaint? If so, what language(s)?

Language interpretation was not needed to receive any of the reviewed complaints.

What was alleged in the complaint (summarize)?

Refer to Appendix 1, column L, for the full responses recorded by the EPA reviewers.

How did the state (or County Agricultural Commissioner in California) follow up?

Refer to Appendix 1, column M, for the full responses recorded by the EPA reviewers.

Was sampling conducted if warranted? If so, what kind of sampling?

Sampling was not warranted in any of the reviewed complaints.

Were interviews conducted with the relevant parties (e.g. complainants, applicators, workers, property owners, employers, residents, etc.)?

Interviews were conducted with all relevant parties whenever the complainant, or person involved in the alleged pesticide exposure incident, could be reached.

Was any language interpretation needed to conduct the interview? If so, what language(s)?

The Monterey County complaint required Spanish interpretation, which was provided by the CAC inspector. Language interpretation was not necessary for any other reviewed complaints.

Were relevant photos taken?

None of the reviewed complaints necessitated photos to be taken by the inspector to document violations. Other available records were sufficient.

Were relevant records collected?

Refer to Appendix 1, column N, for the full responses recorded by the EPA reviewers. The EPA specifically asked the DPR if records were collected for the Alameda County complaint. The DPR explained that no records were collected, but Alameda CAC reviewed photographs, provided by the gym's manager, of the pesticide involved. Based on Alameda's investigation procedures, additional records would have been reviewed during the interview of management.

Did the investigation follow the State's procedures (SOP) for following up on complaints?

The state's Standard Operating Procedures appeared to have been followed for all reviewed complaints.

What was the outcome of the investigation?

Refer to Appendix 1, column O, for the full responses recorded by the EPA reviewers. Violations were identified for the San Diego and Monterey County complaints. The EPA specifically asked the DPR if any violations were identified for the Alameda County complaint. The DPR explained that the Alameda CAC identified a violation of Food and Agricultural Code (FAC) section 12973 for not providing personal protective equipment, as required by the label.

What was the enforcement response if violations were identified?

Refer to Appendix 1, column P, for the full responses recorded by the EPA reviewers. A civil penalty was issued for the Monterey County complaint. Compliance assistance was provided for the San Diego and Alameda County complaints.

Did the incident meet the State's current criteria as a "high level episode"? If so, was the incident reported to the EPA Region 9?

None of the reviewed complaints appeared to meet the state's criteria as a high level episode based on the information in the investigation reports.

Does the EPA reviewer have any concerns with the investigation?

There were no concerns with how the investigations were conducted.

VI. Findings and Recommendations

This section details the EPA Region 9's overall findings and recommendations for the two main steps:

- A. Determining if the state's complaint tracking system is adequate; and
- B. Evaluating how complaints are being processed and whether it's being done timely and efficiently.

Findings for steps A and B could be categorized into two performance levels:

Meets or Exceeds Expectations: No concerns were identified. Performance met or exceeded expectations.

Area for Improvement: Concerns were identified. A recommendation follows whenever an Area of Improvement is identified.

A. Determining if the state's complaint tracking system is adequate

Finding A – Meets or Exceeds Expectations

The state's complaint tracking system is adequate and meets the five criteria specified in the Final Interpretive Rule (48 Fed. Reg. 409) for an adequate referral system. The five criteria can be viewed above in Table 1. California has a robust complaint tracking system with the ability to receive pesticide-related complaints from a variety of sources.

B. Evaluating how complaints are being processed and whether it's being done timely and efficiently

Finding B – Meets or Exceeds Expectations

Overall, the investigations were conducted in a timely and efficient manner. Most investigations were started on the day received, while two investigations took between five to seven days until initiation. The San Bernardino complaint took the longest until initiation at 23 days. The DPR explained that the delay was due to the assigned officer being on sick leave and concurrently managing two other active investigations. Internal processes have been updated to ensure this does not occur again.

Of important note, none of the complaints, including San Bernardino, met the criteria of a “high level episode”, which the DPR currently refers to as “priority episodes” in their Compendium as of the time when this report was written. Priority episodes would have required immediate follow-up whenever possible, but no later than three working days, per the DPR’s Compendium, Volume 5, Chapter 2, page 30. This is in accordance with a memorandum of understanding (MOU) between the EPA, DPR, and CACASA for priority episode investigations (referred to as “Reportable Investigations” as of December 13, 2024, when the MOU was updated).

All reviewed investigations were completed within 69 days, with the average investigation taking 30 days to complete. This is both timely and efficient considering the amount of time it often takes to conduct a thorough investigation and to write the investigation report.

Investigations were thorough and CACs followed up on all reviewed complaints. CACs appeared to have followed the state’s Standard Operating Procedure (SOP) for all reviewed complaint investigations. When complainants or the people involved in the pesticide exposure incidents were able to be reached, inspectors interviewed all relevant parties and collected or reviewed relevant records. One complaint required Spanish interpretation to conduct the interview, which the inspector was able to provide themselves due to being bilingual in Spanish and English.

For the complaints where nobody could be reached, inspectors made multiple attempts to contact the persons involved in the incidents before closing the investigation. There is little that can be done if someone chooses not to respond, does not cooperate with an investigation, or if there is missing or inaccurate contact information submitted with the complaint.

Violations and enforcement responses were clearly identified.

C. EPA Recommendations

The EPA has no formal recommendations and commends the DPR for its robust complaint tracking system and commends CACs for the rapid and thorough investigations conducted when following-up on pesticide complaints.

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
#	County of Occurrence	Complaint ID	Source of Complaint	Date Received	Date Investigation Started	Days to Start Investigation After Received	Date Investigation Completed	Days to Complete Investigation After Starting	Method of Receipt	Entity Submitting Complaint	Brief Description of Complaint	Description of Complaint Follow-Up	Records Collected	Outcome of Investigation	Enforcement Response or Follow-up
1	Napa	12	DPR Received	3/13/2023	3/13/2023	0	4/26/2023	44	Phone Call	Citizen	Complainant alleged that their neighbor was regularly spraying a pesticide with a very strong, toxic odor.	Conducted interviews, photo review, and a site visit.	Emails, photos, interview statements.	No violations were identified.	Not applicable.
2	San Bernardino	INV-36-20230524-030	CAC Complaint Log	5/23/2023	6/15/2023	23	6/28/2023	13	Pesticide Incident Report	Healthcare professional	A 16-year old accidentally mixed a Fabuloso product and bleach product (unknown if the products were registered as pesticides or not) and experienced symptoms, leading to a hospital visit.	Conducted an interview and requested photos.	Interview statement. Photos requested, but none were available.	No violations were identified.	Compliance assistance provided. Provided the handout "Pesticide Info: Read the label first".
3	San Diego	INV-37-20230801-039	CAC Complaint Log	8/1/2023	8/1/2023	0	8/11/2023	10	Pesticide Incident Report	Healthcare professional	A 17-month old accidentally sprayed themselves in the eye with the registered pesticide Clorox Plus Tilex Mold & Mildew Remover (EPA Reg. No. 5813-24) left in reach by the parent. The child experienced eye irritation, leading to a hospital visit.	Conducted photo and label reviews.	Photos, interview statements.	1) A violation of FAC Section 12973 was determined for failure to keep the Clorox product out of the reach of children as required by the label.	Compliance assistance provided. Provided the handout "Pesticide Info: Read the label first".
4	San Luis Obispo	COMP-57140	CalEPA Complaint Log	5/17/2023	5/17/2023	0	6/15/2023	29	CalEPA Complaint System	Citizen	Complainant submitted a claim against the use of Round Up.	Complainant did not provide enough information, including contact information, to allow follow-up.	Not applicable.	Unable to follow-up due to insufficient information.	The CAC stated they would increase surveillance in and around the location where the complaint originated.
5	Alameda	49	DPR Received	7/25/2023	8/1/2023	7	9/11/2023	41	Email	U.S. EPA staff during their personal time (not in their official capacity)	Complainant alleged that their gym was providing the registered pesticide Hillyard Non-Acid Restroom Disinfectant/Cleaner (EPA Reg No. 1839-169-1658) with a "Danger" signal word for use to gym members and not offering the proper PPE or training.	Conducted interviews and a site visit.	None collected.	Unclear if a violation was identified.	Compliance assistance provided due to gym quickly addressing the concern and switching to a non-pesticide cleaning product.
6	Monterey	INV-27-20230912-040	CAC Complaint Log	9/12/2023	9/12/2023	0	11/20/2023	69	Pesticide Incident Report	Healthcare professional	An employee accidentally got diluted registered pesticide Drexel Dimethoate 4EC (EPA Reg. No. 19713-231) in their eye, while triple rinsing the pesticide container, and experienced eye irritation. The employee washed their eyes and was allowed to conduct a pesticide application before being taken for medical care.	Conducted interviews, records reviews, and label reviews.	Training records, respirator and fit test records, pesticide use records, permits, maps, labels, medical records, etc.	1) A violation of 3 CCR Section 6738.2(b) was determined for failure to wear the appropriate label-required protective eyewear. 2) A violation of 3 CCR Section 6600(b) was determined for failure to conduct the pesticide application in careful/safe manner.	Notice of Violation issued, followed by a total civil penalty of \$4,500 for the two violations identified in column O.
7	Orange	INV-30-20230803-067	CAC Complaint Log	8/2/2023	8/7/2023	5	8/17/2023	10	Pesticide Incident Report	Healthcare professional	An 80-year old experienced eye irritation after pool chlorine (EPA Reg. No. unspecified) splashed in their eye while working on their pool, leading to a hospital visit.	Made multiple phone calls and left voicemails, but never received a response from the person involved in the pesticide exposure incident.	Not applicable.	Unable to reach person involved in the pesticide exposure incident.	Not applicable.
8	Placer	COMP-56379	CalEPA Complaint Log	2/27/2023	2/27/2023	0	5/1/2023	63	CalEPA Complaint System	Citizen	Complainant was concerned that a pesticide applied in a nature preserve would adversely affect the wildlife.	Conducted interviews, checked applicator license, and a label review.	None collected, but the records reviewed were documented in the investigation report.	No violations were identified.	Not applicable.
9	Riverside	INV-33-20230516-081	CAC Complaint Log	5/15/2023	5/15/2023	0	5/30/2023	15	Pesticide Incident Report	Healthcare professional	An adult was accidentally exposed to "Stem bug spray" (unknown if registered or not) and experienced symptoms when the pesticide container exploded, leading to a hospital visit.	Made multiple phone calls, but was unable to reach the person involved in the pesticide exposure incident.	Not applicable.	Unable to reach the person involved in the pesticide exposure incident.	Not applicable.

10	Los Angeles	INV-19-20230718-156	CAC Complaint Log	7/18/2023	7/19/2023	1	7/25/2023	6	Pesticide Incident Report	Healthcare professional	An adult accidentally got a mixture of Bio Advanced Carpenter and Termite Killer (EPA Reg. No. unspecified) into their eye and experienced eye irritation, leading to a hospital visit.	Made multiple phone calls and left voicemails, but never received a response from the person involved in the pesticide exposure incident.	Not applicable.	Unable to reach the person involved in the pesticide exposure incident.	Not applicable.
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