

Adopted: March 26, 1998
Claim: CSM-4420
Staff: Commission Staff
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PROPOSED STATEWIDE COST ESTIMATE

Food and Agricultural Code Section 12979
Chapter 1200, Statutes of 1989

Pesticide Use Reports

Executive Summary

This proposed statewide cost estimate is for Food and Agricultural Code section 12979, as added by Chapter 1200, Statutes of 1989. The Commission on State Mandates determined that this provision, along with its implementing regulations in Title 3 of the California Code of Regulations (sections 6000, 6393(c), 6562, 6568, 6619, 6622, 6623, 6624, 6626, 6627, 6627.1, and 6628), increased pesticide use reporting requirements on pesticide users to include all agricultural users; increased record keeping requirements on pesticide dealers that are licensed by the state; and required county agricultural commissioners to issue operator and site identification numbers to specified persons, inspect and audit certain records, and file the newly-required pesticide use reports with the state.

Staff recommends that the Commission adopt this proposed statewide cost estimate in the amount of **\$1,929,000(r)** for the costs incurred complying with the provisions set forth in Food and Agricultural Code section 12979, as added by Chapter 1200, Statutes of 1989, for fiscal years 1990/91 through 1998/99. Annual costs are estimated as follows:

Fiscal Year	Total Cost Claimed
1990/91	\$175,188
1991/92	\$217,085
1992/93	\$231,498
1993/94	\$246,015
1994/95	\$229,007
1995/96	\$193,481
1996/97	\$198,353
1997/98 est.	\$219,240
<u>1998/99 est.</u>	<u>\$219,240</u>
Total	\$1,929,107
Total (r)	\$1,929,000

Claimant

County of San Bernardino

Chronology

- 12/20/91 Incomplete test claim filed with the Commission on State Mandates (Commission)
- 5/19/92 Completed test claim submitted
- 11/19/92 Commission approved test claim
- 1/21/93 Commission adopted statement of decision
- 2/22/94 Claimant submitted proposed parameters and guidelines
- 3/31/94 Department of Pesticide Regulation submitted proposed parameters and guidelines
- 5/3/94 Claimant submitted request for continuance
- 2/23/95 Commission adopted staff proposed parameters and guidelines

Summary of Mandate

Chapter 1200, Statutes of 1989, added Food and Agricultural Code section 12979, and authorized its implementing regulations in Title 3 of the California Code of Regulations. The addition of this section and its implementing regulations resulted in county agricultural commissioners receiving a greatly expanded number of pesticide use reports. While the chapter contained a funding mechanism, the Commission found that the funding was not sufficient to cover all of the increase in costs experienced by counties. Costs related to activities required by Food and Agricultural Code section 12979, and its implementing regulations in Title 3 of the California Code of Regulations that are not otherwise reimbursed by the Food Safety Account and increased mill assessment, were therefore found to be costs mandated by the state.

Departmental Recommendations

The Department of Finance did not object to the staff recommendation.

Methodology and Assumptions

This estimate is based on actual claiming data provided by the State Controller's Office, Division of Accounting (Exhibit A).¹

Staff held three prehearing conferences on the statewide cost estimate for this claim. Among others, representatives from the Department of Pesticide Regulation, the Department of Finance, and the County of San Bernardino attended. The parties were unable to come to agreement on the appropriate offsets that claimants should include on reimbursement claims filed with the State Controller's Office (SCO). It was decided that inclusion of the appropriate offsets on claims was an audit issue not under the Commission's purview.

Therefore, for the purposes of a statewide cost estimate, the parties agreed that staff should use actual total claimed cost data filed with the SCO for fiscal years 1990/91 through 1996/97.² To

¹This data is prior to audit.

estimate the total costs for fiscal years 1997/98 and 1998/99, staff used the average of the total claimed costs for prior fiscal years, with the exception of the first fiscal year claimed (1990/91).

Calculations

The total costs claimed per fiscal year (prior to audit) were as follows:

Fiscal Year	Total Cost Claimed
1990/91	\$175,188
1991/92	\$217,085
1992/93	\$231,498
1993/94	\$246,015
1994/95	\$229,007
1995/96	\$193,481
1996/97	\$198,353
1997/98 est.	\$219,240
<u>1998/99 est.³</u>	<u>\$219,240</u>
Total	\$1,929,107
Total (r)	\$1,929,000

Staff Recommendation

Staff recommends the Commission adopt this proposed statewide cost estimate in the amount of **\$1,929,000(r)** for complying with the provisions of Food and Agricultural Code section 12979, as amended by Chapter 1200/89, for fiscal years 1990/91 through 1998/99.

² Though several variables were considered when determining the best method to calculate the estimated cost for this state-mandated program, staff found no significant correlations. Staff therefore suggested using actual claimed costs.

³ No inflation adjustments were made because the claiming data used is prior to audit.