

# Supplemental Environmental Project (SEP) Policy

Department of Pesticide Regulation  
Pest Management Advisory Committee (PMAC)  
May 12, 2016 Meeting



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## What is a Supplemental Environmental Project (SEP)?

• **An environmentally beneficial project that a person subject to an enforcement action voluntarily agrees to undertake in settlement of the action and to offset a portion of a civil penalty.**

(Pub. Resources Code § 71118)

- Environmentally beneficial
- Voluntarily undertaken
- In settlement of an enforcement action
- Offset a portion of a civil penalty
- Cannot be required by any state, federal, or local law, regulation, or order.



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## Type of Actions Subject to SEPs

- Settlement Cases handled by DPR
  - Statewide Unregistered or Misbranded Pesticides
    - ≈4% of cases deal with agricultural products
  - Illegal Pesticide Residue Cases
- County pesticide use violations—NOT handled by DPR
  - Enforced by County Agricultural Commissioners



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## Benefits of SEPs



- Opportunity to benefit disadvantaged communities
- Environmental and public health benefits.
- Can be performed by violator—part of the solution.
- Can be carried out by local community based organizations.




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## AB 1071 (Atkins)

- Effective January 1, 2016
- Requires each Board and Department to establish a SEP Policy that benefits disadvantaged communities.
- Policy must include:
  - Public process to solicit projects from disadvantaged communities.
  - Allows for SEP to be up to 50% of penalty.
  - Annual list of potential projects.
  - Consideration of the relationship between the location of the violation and the location of the proposed SEP.
- CalEPA will consolidate list of potential projects and post to Web site.




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## DPR's SEP Policy - Summary

- Nexus to Violation
- Priority for Disadvantaged Community (H&S § 39711)
  - CalEnviroScreen 2.0
- Cannot directly benefit violator
- Can't be used to satisfy DPR or another agency statutory obligation
- Discretionary
- Not Confidential




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## DPR's Implementation of AB 1071

SEP Policy and Forms available on DPR's Web site:  
[http://www.cdpr.ca.gov/docs/enforce/enfords/sep\\_policy.htm](http://www.cdpr.ca.gov/docs/enforce/enfords/sep_policy.htm)

List of Potential SEP Categories/Projects

Form Soliciting SEP Proposals

• **WE NEED YOUR HELP!**

DPR Presentations to Solicit SEP Ideas

- San Diego – Monday, July 18, 2016
- Riverside – Monday, July 25, 2016



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# Questions?



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