

**DEPARTMENT OF FOOD AND AGRICULTURE  
PROPOSED CHANGES IN THE REGULATIONS**

**Title 3. Food and Agriculture**

**Section 105. Minimum Qualifications – County Agricultural Inspector/Biologist  
and**

**Section 108. Minimum Qualifications – County Weights and Measures Inspector**

**INITIAL STATEMENT OF REASONS**

California Code of Regulations (CCR, Title 3, Sections 105 and 108) address the minimum qualifications required for admission to the licensing examination for County Agricultural Inspector/Biologist and Weights and Measures Inspector, respectively. The passing of such standardized examinations and corresponding license issuance is a recognized means of verifying a candidate's minimal level of competency for county employment. As currently written, CCR 105 and 108 inadequately provide for today's appropriate minimum qualifications with regards to educational needs.

Enrollment and graduation in agricultural sciences at universities has dramatically declined in recent decades. A number of factors have caused this, including demographic changes and fewer students from a farming background, and changes in the distribution of college majors as more students are seeking degrees in high-tech fields such as engineering and computer science.

Even within agriculture, new educational majors have emerged that do not neatly fit into the degrees traditionally accepted for Agricultural Inspector/Biologist positions. Consequently, the candidate pool for the entry level County Inspector/Biologists is not keeping pace with the recruitment need.

Universities and colleges in the United States do not typically offer weights and measures as a course of study. The main source of education in Measurement Science (metrology) is typically through technical courses offered by the military or industry (manufacturing, semiconductor, etc.) as a means to train employees on measurement precision and accurate calibration of intricate equipment.

The shift to consolidate regulatory functions and restructure government organizations has created a realignment of job duties in county departments. In all but one of the 58 California counties, the Agricultural Commissioners' and Sealer of Weights and Measures' departments have merged. With this consolidation, employees are often cross-trained and may assume a wide variety of responsibilities. Departments need to be able to hire Agricultural Inspectors/Biologists who can meet the qualifications and perform the duties of the both Agricultural Inspections and Weights and Measures Inspectors.

The agricultural inspection duties have always required an educated understanding of biology, chemistry, plants, insects, diseases, pests, and pesticide use, yet the need for breadth and depth of knowledge is constantly growing. For example, pesticide use regulations and pest control programs require an understanding of the physics of pressure

as it relates to spray droplet size and drift, concentrations or the mathematics of dilution ratios and application rates, and atmospheric conditions relevant to pesticide regulation and effective pest treatments.

Like the agricultural industry, the industry regulated by the county weights and measures program is becoming increasingly more complex due to the advent of various new technologies. In addition to mechanical engineering and physics, today's inspectors need to comprehend concepts of high tech electronics and computerized programs as they apply to compliance with weights and measures laws and regulations. Scales and metering devices increasingly rely on electronic components and software applications that require electronics and computer knowledge. Some devices are equipped with remote configuration capabilities through a modem or access lines, and at times audit trails are the only way to check for proper sealing of the device.

Under existing law in Chapter 1, Sections 2102 and 2106, of Division 2, of the Food and Agricultural Code, the Department is directed to examine County Agricultural Biologists/Inspectors, and issue licenses to successful candidates. Persons eligible to take the examination shall possess a bachelor's degree from an accredited four-year college with specialization in agricultural, biological, chemical, physical sciences, or other appropriate disciplines as determined by the Secretary of the Department.

Under existing law in Chapter 2 (commencing with Section 12200), of Division 5, of the Business and Professions Code, the Department is directed to examine County Weights and Measures Inspectors, and issue licenses to successful candidates. Through regulations the Department shall determine the fitness, experience, and qualifications of candidates for the positions.

Under existing regulations in Section 105, Chapter 2, Division 1, of Title 3 of the California Code of Regulations, the minimum qualifications (eligibility) for admission to the licensing examination for County Agricultural Inspectors/Biologist are stated. Minimum qualifications include either possession of a valid Agricultural Inspector/Biologist license, or possession of a bachelor's degree from an accredited four-year college with specialization in one or more appropriate disciplines in agricultural or biological sciences as determined by the Secretary.

The proposed amendments to CCR Section 105 clarify the minimum qualifications of candidates wishing to take a County Agricultural Inspector/Biologist examination. The proposed amendments define the agricultural and biological sciences disciplines to include coursework that better aligns the educational requirements with the County Agricultural Inspector/Biologist job duties. The proposed amendments also allow the inclusion of any college major that includes 30 semester units or equivalent of one or more of the following: agricultural science; biological science; chemical science; physical science; mathematics; or statistics. The proposed amendments further provide for the acquisition of educational credits in addition to those required for a specific degree.

Under existing regulations in Section 108, Chapter 2, Division 1, of Title 3 of the California Code of Regulations, the minimum qualifications for admission to the

licensing examination for County Weights and Measures Inspectors are stated. Minimum qualifications include either a) possession of one or more valid statewide County Weights and Measures Inspector license or County Agricultural Inspector/Biologist license and current permanent employment by a county; b) graduation equivalency from a college with major course work in chemistry, physics, mathematics, engineering, or other job related majors such as law enforcement, commerce, or marketing; up to two years experience may substituted for the required education; or c) possession of an Associate in Science Degree in Measurement Science from a California community college in addition to one year job related experience.

The proposed amendments to CCR Section 108 clarify the minimum qualifications of candidates wishing to take a County Weights and Measures Inspector examination. The proposed amendments expand the disciplines to include other majors and coursework that better aligns the educational requirements with the Weights and Measures Inspector job duties. The proposed amendments also allow the inclusion of any college major that includes 30 semester units, or equivalent, of one or more of the following: agricultural science; biological science; chemical science; physical science; mathematics; or statistics. The proposed amendments further provide for the later addition of educational requirements after a bachelor's degree has been obtained. Lastly, the proposed amendments eliminate permanent employment as a prerequisite for admission to the Weights and Measures Inspector examination.

The proposed amendments to CCR Sections 105 and 108 provide increased consistency for the minimum qualifications for County Agricultural Inspector/Biologists and County Weights and Measures Inspectors. This is necessary because 57 out of the state's 58 counties have consolidated the functions of the County Agricultural Commissioner and the Sealer of Weights and Measures. This consolidation has resulted in the need and practical practice of hiring employees who meet the qualifications, and can perform both agricultural and weights and measures duties. The proposed amendments more closely align minimum qualifications for the two respective licensing examinations in the educational categories of Chemical Science, Physical Science, Mathematics, and Statistics, each of which has direct and appropriate applications in the respective duties of County Agricultural Inspectors/Biologists and County Inspectors of Weights and Measures.

As County Agricultural Inspectors/Biologists and County Inspectors of Weights and Measures deliver the majority of routine public services under the direction and supervision of the Secretary of Food and Agriculture and provide significant protections to consumers and business operators, these amendments are necessary to ensure that the highest quality and most diverse and appropriate skill sets are possessed by the County inspectors.

## **TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS**

The Department is relying upon the following as it pertains to the proposed regulatory changes:

- A survey, conducted in 2008 by the California Agricultural Commissioners and Sealers Association (CACASA), identified existing employment practices among California's Commissioner and Sealer offices. Counties are overwhelmingly employing individuals who possess a degree with eligibility for Agricultural Inspector/Biologist licensing, with the knowledge that this will satisfy the minimum requirement to apply for a weights and measures license exam.
- A letter dated March 12, 2008 from the President of CACASA to the Secretary of the Department of Food and Agriculture, proposing that changes be made to Sections 105 and 108 to create more equity in the educational requirements for agricultural and weights and measures inspectors. Attachments to the letter include A) minutes from a CACASA Personnel Standards Committee meeting in December 2007, B) CACASA's 2008 proposed regulations text changes, and C) minutes from a CACASA Personnel Standards Committee meeting in February 2008, at which members approved requesting the assistance of the Department of Food and Agriculture in revising the minimum qualifications via rulemaking.

## **REASONABLE ALTERNATIVES TO THE REGULATIONS AND THE DEPARTMENTS' REASONS FOR REJECTING THOSE ALTERNATIVES**

No other alternatives were presented to or considered by the Department.

## **REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS**

The Department has not identified any alternative that would lessen any adverse impact on small businesses.

## **EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS**

The proposed regulation changes have the potential of lessening impacts to businesses due to better educated and more appropriately trained inspection staff at the county level of employment. Therefore, the Department has determined that the proposed changes to the regulations would not have a significant statewide adverse economic impact directly affecting business.