

Section 1.5

How to Read and Understand the Codes

Introduction

Sometimes, it may seem that laws and regulations are written just to confuse and befuddle us. Actually, laws and regulations are intended to address problems. However, after various interests and parties have had an opportunity to comment or “weigh-in” on the matter, the intended simple solution often becomes more complicated as the result of many compromises. After words and phrasings are added, deleted, and massaged, the original simple provision may be transformed into something quite different from the initial proposal.

Code analysis steps

The following analytical steps (guidance) may seem basic or obvious, but these steps are routinely used by successful paralegals, legal researchers, and attorneys. This guidance might also be helpful to you in your role of regulator, inspector, investigator, Advocate, or Hearing Officer.

| Step | Action |
|------|--|
| 1 | <p>Read the section over at least three times – then read it again.</p> <p>It is likely that you will more accurately understand the section with each reading.</p> |
| 2 | <p>Never ignore “and,” ”or,” and “except.”</p> <p>These are the words that can partially or completely change the intention(s) and/or requirement(s) of the section(s).</p> |
| 3 | <p>Assume all words and all punctuation have meaning. Do not ignore words that you do not immediately understand; do not skip over words that do not serve your purpose; do not ignore punctuation.</p> <p>Punctuation can tell you whether you are reading part of a clause or idea, a continuation of a clause or idea, or a complete idea. Sometimes, punctuation seems inconsistent or redundant. This may be purposeful. You can be assured that if the Director of the Department of Pesticide Regulation (DPR), DPR’s Office of Legal Affairs, or a court looks at the section, they will consider all of the words and all of the punctuation.</p> |

Continued on next page

How to Read and Understand the Codes, Continued

Code analysis steps (continued)

| Step | Action |
|------|--|
| 4 | <p data-bbox="548 493 1411 600">Interpret the section so that it is consistent with all of the State’s other pesticide laws and regulations, and policies of DPR, if possible.</p> <p data-bbox="548 638 1411 783">If a section seems to completely disagree with another law, regulation, or written policy of DPR, you may not be interpreting the section correctly or you may have missed an exemption stated in another law or regulation.</p> |
| 5 | <p data-bbox="548 791 1411 898">Interpret ambiguities in ways that seem to best further the purpose of the Legislature’s intent, or in the case of regulations, the intent of the authorizing statute.</p> <p data-bbox="548 936 1411 1041">The Legislature authorizes DPR to operate for specific purposes. DPR promulgates regulations and develops written policies to ensure its actions are consistent with the Legislature’s intent.</p> |
| 6 | <p data-bbox="548 1045 1411 1115">Interpret the code so that it makes sense and does not lead to absurd or improbable results.</p> <p data-bbox="548 1152 1411 1226">Although they sometimes may be difficult to read, the codes are not actually intended to be “tricky” or confusing.</p> |
| 7 | <p data-bbox="548 1234 1411 1304">Look at the titles, headings, or subheadings of the section. Then, read “up” to the name of the article or chapter.</p> <p data-bbox="548 1341 1411 1518">It is important to consider the context of the law or regulation. No law or regulation exists in a vacuum. Take a close look at the titles, headings, and subheadings leading to the code section you are referencing to make sure you are considering the section within its context.</p> |

Continued on next page

How to Read and Understand the Codes, Continued

Tips for interpreting regulations

- Regulations should be fairly consistent with the mission of the agency; attempt to reconcile regulations with other regulations of the same agency.
 - Strictly interpret regulations that can result in a punishment.
 - Liberally interpret regulations that are intended to protect the general welfare.
 - Do not interpret a regulation in a manner that is contrary to common sense.
-

Don't give up

As stated earlier: “Read the section again!” or try reading it aloud to a colleague. The CAC staff may contact its Senior Pesticide Use Specialist if the CAC staff is having difficulty understanding a particular State pesticide law or regulation

References

- Barclay's Official California Code of Regulations (Thompson West)
 - Legal Research: How to Find and Understand the Law, by Steven Elias (Nolo Press)
 - West's Annotated California Codes (West Group, A Thompson Company)
-