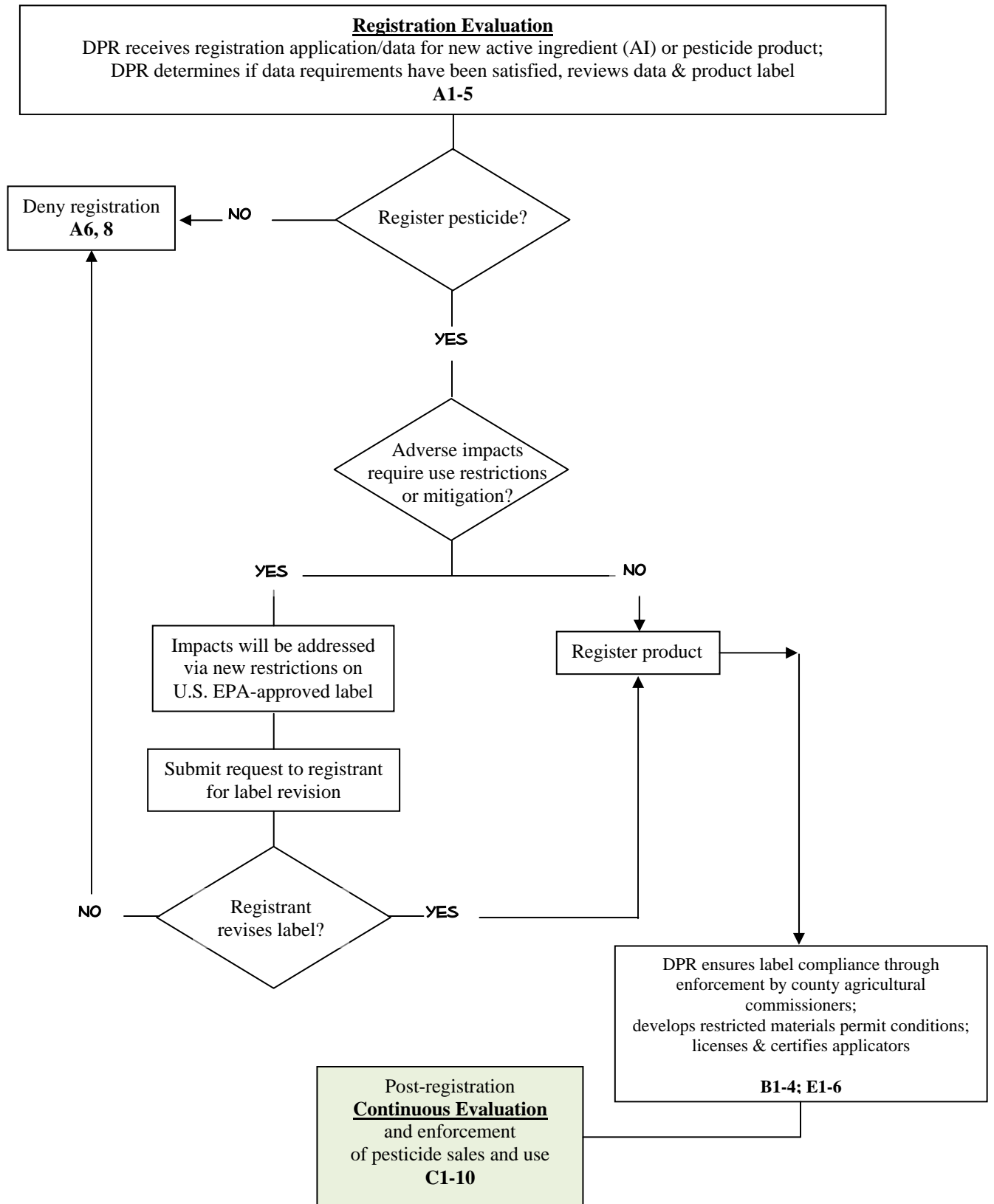


# Department of Pesticide Regulation

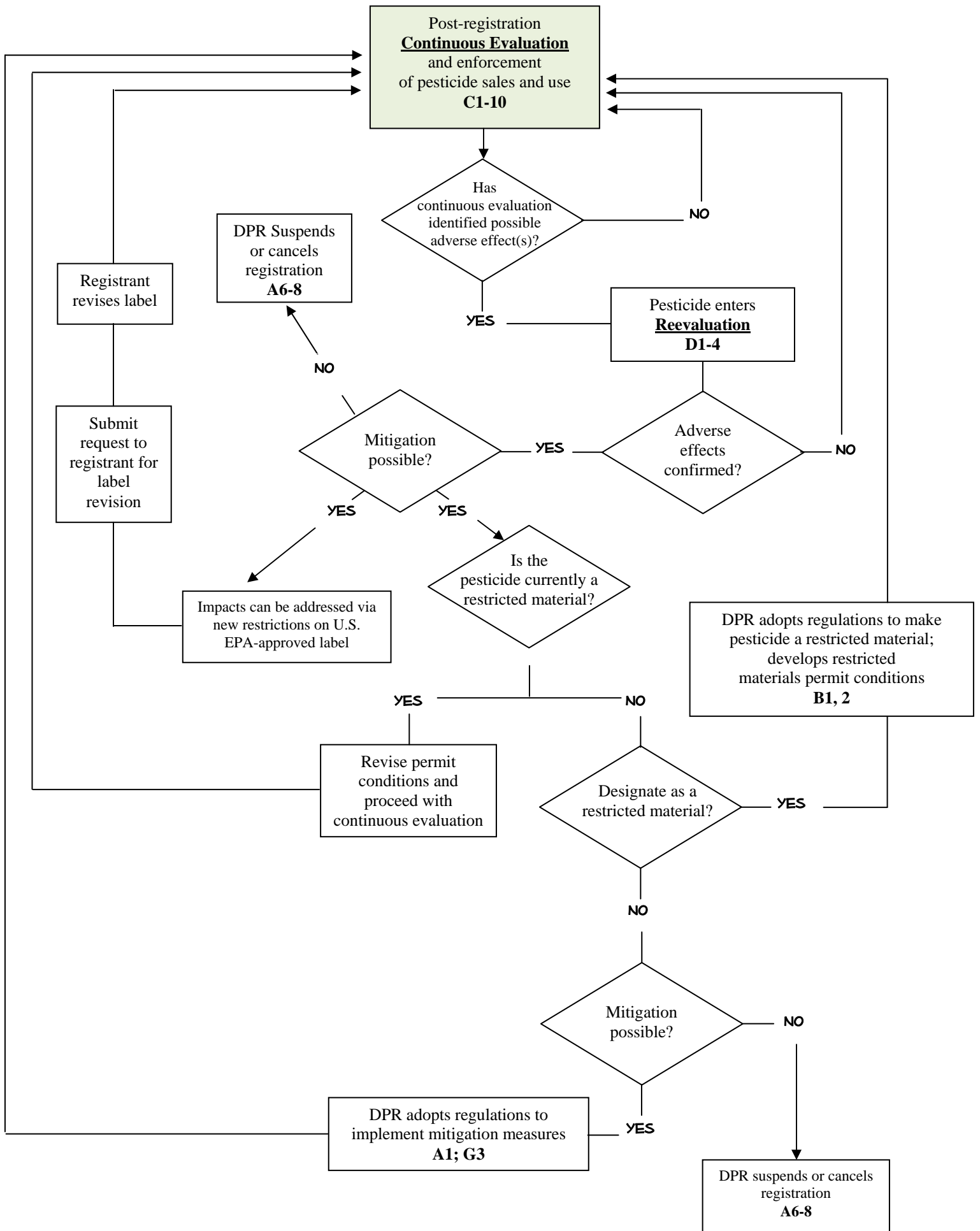
## Actions & Authorities

The Food and Agricultural Code (FAC) & Title 3 of the California Code of Regulations (3CCR) grant DPR specific authorities that define the pesticide evaluation process. This flowchart outlines major regulatory process and identifies specific actions that can impact a pesticide active ingredient or product as it moves through various evaluation phases. (Authorities listed in the attachment.)

This document does not represent all of DPR's regulatory processes. It is provided for information and educational purposes.



**DPR Actions & Authorities, Continued...**



## Links

### **Post-Registration Continuous Evaluation and Enforcement**

#### **Implemented Through:**

- Risk assessment
- Pesticide illness surveillance program
- Human exposure monitoring
- Food safety program
- Toxic air contaminant monitoring
- Identifying trends in use violations
- Monitoring pesticide movement through air, soil, water
- Evaluating registrant studies showing adverse effect to humans, animals, or the environment
- Evaluating all reports of actual or potentially significant adverse effects to people or the environment
- Enforcement of pesticide sales and use

#### **DPR May:**

- Develop permit conditions, including the establishment of buffer zones
- Adopt regulations formalizing use restrictions carried out earlier by permit conditions
- Perform monitoring to evaluate risk reduction

### **Reevaluation**

- DPR reviews existing data
- DPR requires registrant to provide data to determine nature and extent of potential hazard and identify mitigation measures

## ATTACHMENT

### DPR Regulation Authorities

#### Food and Agricultural Code (FAC) & Title 3 of the California Code of Regulations (3CCR)

**NOTE:** Citations are paraphrased in many cases; please refer to the FAC and 3CCR for exact wording.

#### **A. Pesticide Registration/Suspension/Cancellation Authorities**

1. Before a pesticide is registered, there shall be a thorough evaluation. Appropriate restrictions may be placed upon its use including—but not limited to—limitations on quantity, area, and manner of application. **(FAC 12824)**
2. Registrants shall respond to the director's notices of data and study requirements in support of registrations. **(3CCR 6194)**
3. The department may establish performance standards and tests that are to be conducted or financed by the registrants. **(FAC 12824)**
4. The director may rely upon any evaluations of previously submitted data to determine whether to accept any application for registration of a new pesticide product, an amendment to the registration of a registered product, or to maintain the registration of a registered pesticide product regardless of the ownership of the data previously evaluated. **(FAC 12811.5)**
5. The director may adopt regulations as necessary in order to ensure that the registrant submits any factual or scientific evidence that indicates any adverse effect during the pesticide registration process or at any time after the registration of a pesticide. **(FAC 12825.5)**
6. The director may cancel the registration of, or refuse to register any pesticide (a) that has demonstrated serious uncontrollable adverse effects; (b) the use of which is of less public value or greater detriment to the environment than the benefit received by its use; (c) for which there is an alternate material that is less destructive to the environment; (d) when properly used is detrimental to non-target vegetation, animals, or the public; (e) that is of little or no value for the purpose intended; (f) when false or misleading statements are made or implied, either verbally or in writing, or in the form of advertising literature; (g) for which the director determines the registrant has failed to report an adverse effect or risk; (h) if the director determines the registrant has failed to comply with the requirements of a reevaluation; (i) that is required to be registered under the federal Insecticide, Fungicide, and Rodenticide Act and that is not so registered. **(FAC 12825)**
7. The director may suspend the registration of a pesticide. **(FAC 12826)**
8. The director may cancel a certificate of registration, or refuse to issue certification. **(FAC 12827)**

#### **B. Restricted Materials**

1. The director designates pesticides as restricted materials. **(3CCR 6400)**
2. Restricted materials shall be possessed or used only under permit **(3CCR 6412)**
3. The director shall regulate restricted materials and shall establish a list of restricted materials. **(FAC 14001, 14004.5.)**
4. The director shall adopt regulations which govern the possession and use of restricted materials determined to be injurious to the environment or to any person, animal, crop, or other property. The regulations shall prescribe the time and conditions under which a restricted material may be used or possessed, and may prohibit its use or possession in specific areas of the state. Use of a restricted material may require a written permit issued by the agricultural commissioner. **(FAC 14005, 14006, 14006.5, 14008)**

### **C. Pesticide Continuous Evaluation**

1. The director shall develop an orderly program for the continuous evaluation of all actively registered pesticides. **(FAC 12824)**.
2. The director may request any data determined by the director to be necessary to carry out the provisions of FAC 12824. The data shall include, but not be limited to (a) pesticide drift; (b) phytotoxicity; (c) environmental effects; (d) analytical and environmental chemistry; (e) the effect from the use of mixtures of two or more products in combination; (f) contaminants in pesticide products. **(3CCR 6192)**
3. The director shall undertake continuous evaluation of all registered products. **(3CCR 6226)**
4. The director may at any time evaluate a registered pesticide to carry out specific provisions of the FAC. **(3CCR 6220)**
5. The director may adopt regulations as necessary in order to ensure that the registrant submits any factual or scientific evidence that indicates any adverse effect during the pesticide registration process or at any time after the registration of a pesticide. **(FAC 12825.5)**
6. The director may adopt regulations to ensure that if the registrant has factual or scientific evidence of any adverse effect or risk of the pesticide to human health, livestock, crops, or the environment that has not been previously submitted to the department, the registrant shall submit the evidence to the director in a timely manner. **(FAC 12825.5)**
7. The director may require the applicant to supply data regarding pesticide volatile organic compound emissions. **(3CCR 6191)**
8. The director determines whether information and studies submitted pursuant to specific FAC sections are valid, complete, and adequate. **(3CCR 6195)**
9. All pesticides for which renewal of registration is sought shall be evaluated. **(FAC 12824)**
10. The registrant must report factual or scientific evidence of any adverse effect or risk to human health or the environment after the product is registered. **(3CCR 6210)**

### **D. Pesticide Reevaluation**

1. The director shall investigate all reported episodes and information received by the director that indicate a pesticide may have caused, or is likely to cause, a significant adverse impact, or that indicate there is an alternative that may significantly reduce an adverse environmental impact. If the director finds from the investigation that a significant adverse impact has occurred or is likely to occur or that such an alternative is available, the pesticide involved shall be reevaluated. **(3CCR 6220)**
2. The director shall also reevaluate a pesticide when certain factors have been found, but not limited to: (a) public or worker health hazard; (b) environmental contamination; (c) pesticide residue overtolerance; (d) fish or wildlife hazard; (e) lack of efficacy; (f) undesirable phytotoxicity; (g) hazardous packaging; (h) inadequate labeling; (i) disruption of the implementation or conduct of pest management; (j) other information suggesting a significant adverse risk. **(3CCR 6221)**
3. During a reevaluation, the director shall require submission of all data required for registration of a new pesticide which is relevant to the focus of the reevaluation and has not previously been submitted to the department. The director shall allow a reasonable time period for the development and submission of such data, not to exceed two years. **(3CCR 6222)**
4. During reevaluation, the director shall determine if the pesticide should be classified as a restricted material, and if additional restrictions are necessary. **(3CCR 6224)**

## **E. Licensing Authorities**

1. The director may adopt regulations which govern the conduct of the business of pest control. **(FAC 11502)**
2. The director shall issue licenses and certificates. **(3CCR 6500)**
3. The director may adopt regulations to establish the minimum requirements for education, continuing education, training, experience, and examination for applicants for any license or certificate, or license/certificate renewals. **(FAC 11502.5)**
4. The director shall approve programs for training persons who handle or apply pesticides in aerial pest control operations. **(FAC 12986)**
5. The director may refuse to grant any license and may revoke or suspend any license. **(FAC 11708)**
6. The director may specify the pesticide applications that shall be made by or under the supervision of a person holding a valid qualified applicator certificate. **(FAC 14151)**

## **F. Enforcement Authorities**

1. The director and the commissioner of each county enforce pesticide use in the state. **(FAC 12977)**
2. The director may enforce, enter upon premises to inspect, and take samples to make analyses. **(FAC 11456, 12931)**

## **G. General & Mitigation Authorities**

1. The director shall endeavor to eliminate from use in the state any pesticide that endangers the agricultural or nonagricultural environment, is not beneficial for the purposes for which it is sold, or is misrepresented. **(FAC 12824)**
2. The director shall prohibit or regulate the use of environmentally harmful materials. In so doing, he shall consider the effect on the environment, and shall take whatever steps he deems necessary to protect the environment. He shall also continue to initiate, cooperate, and collaborate with the University of California and with other state agencies in research designed to reduce and eliminate the use of environmentally harmful materials. **(FAC 14102)**
3. The director shall adopt regulations which include, but are not limited to, all of the following subjects: (a) worker reentry; (b) handling of pesticides; (c) hand washing facilities; (d) farm storage and commercial warehousing of pesticides; (e) protective devices—respirators and eyeglasses; (f) posting of fields or storage areas. **(FAC 12981)**
4. The director, upon a finding that the use, handling, delivery, or sale of a pesticide in violation of provisions or regulations is taking place, or appears imminent, may issue an order to cease and desist from further commission of the violation. **(FAC 11896, 13101)**