

## TEXT OF PROPOSED REGULATIONS

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Current wording is indicated by regular type.  
Originally proposed deletions are indicated by ~~strikeout~~.  
Originally proposed additions are indicated by underline.

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### TITLE 3. CALIFORNIA CODE OF REGULATIONS DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS CHAPTER 2. PESTICIDES SUBCHAPTER 1. PESTICIDE REGISTRATION ARTICLE 13. RESEARCH AUTHORIZATION

Amend section 6260 to read:

#### **6260. Authorization for Research.**

(a) With the exception of those persons exempted by section 6268, a written authorization for research ~~shall~~ must be obtained from the ~~d~~Director prior to any experimental, unregistered use of a pesticide.

(b) The authorization may specify conditions under which the research ~~shall~~ must be conducted. The conditions may include, but are not limited to, handling of the treated commodity, safety equipment, reentry intervals, medical monitoring, and field posting.

(c) Research requiring an approved human exposure protocol pursuant to section 6710, ~~shall~~ must be conducted in accordance with that protocol.

(d) The ~~d~~Director may terminate, amend, or refuse to issue an authorization whenever it is determined that:

(1) the research may involve a hazard to handlers and/or field workers, the public health, or the environment;

(2) the research is used for purposes unrelated to pesticide data development; or

(3) violations of the authorization, a previous authorization, or ~~d~~Divisions 6 or 7 of the Food and Agricultural Code, or regulations adopted pursuant to them, have occurred in connection with such research.

(e) The research ~~shall~~ must be conducted in accordance with the conditions of the authorization and the research authorization regulations of this article.

NOTE: Authority cited: Sections 12781 and 12976, Food and Agricultural Code.

Reference: Sections 12995 and 14006.6, Food and Agricultural Code.

Amend section 6262 to read:

#### **6262. Application for Research Authorization.**

(a) Application for a research authorization ~~shall~~ must be made on a the Pesticide Research Authorization form (PR-REG-027a, Est. 4/15), hereby incorporated by reference. ~~prescribed by the director. The application shall require applicants to provide the following information:~~

(1) ~~Name, mailing address and telephone number of applicant;~~

(2) ~~Pesticide to be applied;~~

(A) ~~The brand name, common name, or ID number;~~

(B) ~~Residue tolerance established;~~

- ~~(C) U.S. EPA registration number;~~
- ~~(D) Dosage of active ingredient;~~
- ~~(E) Method of application;~~
- ~~(F) Type of pesticide;~~
- ~~(3) Type of site or commodity and stage of growth at which pesticide will be applied;~~
- ~~(4) Size, number, and total area of trials;~~
- ~~(5) Date of first and last applications;~~
- ~~(6) Type of data sought;~~
- ~~(7) Planned disposition of treated commodity; and~~
- ~~(8) Signature and title of persons responsible for the trials.~~

(b) If at least one of the following criteria applies, the active ingredient may be omitted from the application form. However, the registrant shall provide the identity of the active ingredient in a statement as specified in (c).

(1) The active ingredient is not contained in any pesticide products currently registered by U.S. EPA.

(2) The active ingredient is not contained in any spray adjuvants currently registered by the Department.

(c) The statement required by subsection (b) must include the following information:

(1) Firm name of registrant;

(2) Identification of applicable criteria from subsection (b);

(3) Common name of active ingredient, or if no common name, chemical or molecule name. For biopesticides, provide the genus, species, and strain of the organism;

(4) Pesticide product name as listed on the application form; and

(5) Contact information and signature of authorized representative.

~~(b)(d)~~ (d) The Director may require additional data if necessary to assess the potential adverse effects to workers, the public, and/or the environment.

NOTE: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code.  
Reference: Sections 12995 and 14006.6, Food and Agricultural Code.

Amend section 6264 to read:

#### **6264. Notification and Use of Research Authorization.**

(a) Except as provided in (b), At least 24 72 hours prior to beginning application of a pesticide requiring a research authorization, the researcher shall submit the following information to the agricultural commissioner of the county where the proposed trial site is located:

(1) a copy of the approved research authorization; and

(2) a notice of intent application. The notice of application must include the following information if it is not provided on the approved research authorization: as provided in Section 6434(b) specifying the location of each trial. If not submitted with the notice of intent, the researcher shall submit a plot map of the exact location of each trial within seven days after initial application of the pesticide.

(A) Research authorization number;

(B) Name and address of researcher and applicator;

(C) Location of areas to be treated and name of property operator;

(D) Specific crop or commodity, or if there is no crop or commodity, the specific site to be treated;

(E) Approximate acres or other units;

(F) Specific method of application;

(G) Pesticide(s);

(H) Dilution, volume per acre or other units, and dosage;

(I) Date intended application is to commence;

(J) Location of each trial on a plot map;

(K) Map or aerial photograph designating the location and identity of all known areas that could be adversely impacted by the use of the pesticide including: hospitals; schools; playgrounds; residential areas (including labor camps); parks; lakes, waterways, estuaries, and reservoirs; state wildlife management areas; critical habitats of rare, endangered, or threatened species; livestock; and crops.

(b) The researcher shall provide the 72-hour notice of application required in (a), unless the commissioner has given prior approval for a shorter time period as adequate to evaluate the intended application.

(c) The notice of application specified in (a)(2) shall also be submitted to the Department at least 72 hours prior to beginning application of a pesticide requiring a research authorization. If the commissioner allows less than 72 hours' notice pursuant to (b), then the notice of application must be provided to the Department at the same time it is provided to the commissioner.

~~(b)(d)~~ If no application of pesticide is made following the notice of ~~intent~~ application, the researcher shall notify the commissioner within two weeks by submitting an Experimental Trial Report as described in section 6266(a).

NOTE: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code.  
Reference: Sections 12995 and 14006.6, Food and Agricultural Code.

Amend section 6266 to read:

### **6266. Reports of Research Authorization Use.**

(a) Following the final application of a pesticide requiring a research authorization in a particular trial location, and at least 24 hours prior to either harvest or crop destruction, the researcher shall submit an Experimental Trial Report (PR-REG-029, Est. 4/15), hereby incorporated by reference, to the agricultural-commissioner. ~~including the following information:~~

~~(1) Firm name;~~

~~(2) Authorization number;~~

~~(3) Commodity or site treated;~~

~~(4) Date of report;~~

~~(5) Trial location;~~

~~(6) Date and method of planned disposition of treated commodity; and~~

~~(7) Name and telephone number of researcher or representative responsible for crop disposition.~~

(b) Within two weeks following the expiration date of the research authorization, the researcher shall submit to the ~~d~~Department an Experimental Pesticide Use Report (PR-REG-028a, Est. 4/15), hereby incorporated by reference. ~~This report shall include the following information:~~

~~(1) Research authorization number;~~

~~(2) Pesticide products applied;~~

- ~~(3) Commodity or site treated;~~
- ~~(4) Rate of active ingredient per acre or unit;~~
- ~~(5) Total amount of active ingredient used;~~
- ~~(6) Total acres or units treated;~~
- ~~(7) Counties where trials were conducted;~~
- ~~(8) Name, address and phone number of researcher; and~~
- ~~(9) Certification that the commodity was harvested/disposed of as required by the authorization.~~

NOTE: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code.  
Reference: Sections 12995 and 14006.6, Food and Agricultural Code.