

DEPARTMENT OF PESTICIDE REGULATION

1020 N Street, Room 332
Sacramento, California 95814



February 4, 1994

Dear Researcher/Registrant:

Attached is an information package which explains the Research Authorization (RA) program in California.

Also note that new RA forms dated 10/91 are currently in use. Please discard all previous versions and use only the current revision.

If there are any questions regarding the requirements and operation of the RA permit system, please contact me or Joe Vandepaute at the numbers below.

Sincerely,

A handwritten signature in cursive script that reads "Don Koehler".

Don E. Koehler, Ph.D.
Sr. Pesticide Evaluation Scientist
(Plant Physiology)
Pesticide Registration Branch
(916) 324-3950

Joe Vandepaute
(916) 324-3951

Pesticide Registration Branch
(916) 445-4400

Attachment

DEPARTMENT OF PESTICIDE REGULATION

1220 N Street, P.O. Box 942871
Sacramento, California 94271-0001



February 1992

NOTICE TO RESEARCH INVESTIGATORS

Subject: Changes in Research Authorization Procedures

1. Effective immediately, most Research Authorizations (RAs) are being approved for statewide use and will be so marked. In the future, applicants will not have to specify counties where trials will be conducted on the RA.
2. CDFA will no longer forward the RA to the county commissioner. The research investigator will notify the county of proposed trials by the submission of the RA through the Notice of Intent Process.
3. IT WILL BE THE RESPONSIBILITY OF THE RESEARCH INVESTIGATOR TO PROVIDE THE COUNTY AGRICULTURAL COMMISSIONER WITH A COPY OF THE APPROVED RA, EITHER PRIOR TO, OR AT THE SAME TIME AS THE NOTICE OF INTENT IS GIVEN FOR AN EXPERIMENTAL PESTICIDE APPLICATION UNDER THE RA.

This new procedure will eliminate the need for the researcher to predict and specify counties at the time of applying for the RA. Also, counties will not receive excessive RAs which are not used. Consequently, county notification of trials which were not conducted will be necessary only when an RA or NOI is submitted to the county in advance, but the trial does not go on.

4. Crop destruct RAs will require that you provide a notice to the commissioner at least 24 hours prior to initiating crop destruction at an RA trial site. This will allow the commissioner the opportunity to inspect and confirm crop destruction at these sites. This procedure is related to the implementation of AB 3857, which allows the commissioner to recover costs incurred when inspecting crop destruct RA sites.
5. FAILURE TO COMPLY WITH THESE PROCEDURES AND THE CONDITIONS OF THE RA MAY RESULT IN TERMINATION OF THE RA.

Don Koehler
Joe Vandepute
Plant Physiology Office
Pesticide Registration Branch

RESEARCH AUTHORIZATIONS

The Research Authorization (RA) program which governs the experimental use of pesticides in California originates in Title 3, Section 6260 of the California Administrative Code (CAC). Any use of a pesticide or spray adjuvant which is in conflict with the California-registered label for that product or any use of a product which is not registered in California is experimental and in violation of the Food and Agriculture Code unless a Research Authorization is obtained. ~~The only exceptions are experimental uses by University research personnel, including the University of California Cooperative Extension service, and registrants operating on property under their control. The exemption for "property under the control of the registrant" is generally restricted to permanent, dedicated pesticide research farms operated by the registrant.~~

The purpose of the RA is to gather data to support registration actions. Such research is scientifically conducted in replicated field trials, not for the purpose of pesticidal benefit or pest control, but for the purpose of gathering residue, efficacy, or other data needed for registration. Thus the RA is not an exemption from registration, but allows experimental pesticide research to be conducted.

Application for an RA is made using the Department's approved form. Acute toxicity values or a tech data sheet should accompany all RAs for experimental compounds, unless the information has been previously supplied. Toxicity data is not required for active ingredients already registered in California.

Acreage Limitation

The total acreage to be treated under an RA must conform to State and Federal guidelines. In Title 40, Part 172.3 (attached), EPA outlines the parameters, such as limited replicated field trials on a total area of less than 10 acres, which will not require a Federal Experimental Use Permit. (However, a California RA is required for these EPA-exempt uses.) Experimental uses of new compounds or old active ingredients exceeding the EPA guidelines are presumed to require a Federal EUP. Uses which are registered with EPA but which are still experimental in California must conform to a guideline of 100 acres per crop. Special circumstances which may require testing over larger areas, such as biocontrol agents and aerial trials, must be specifically justified in order for RAs in excess of 100 acres to be considered.

Crop Destruction

The most important part of the RA is the crop destruct provision. All treated crops, including dormant, fallow and preplant treatments, must be destroyed unless a permanent or temporary tolerance or an exemption from tolerance has been established for the crop/active ingredient combination on the RA. "Destroyed" means rendered unusable for food or feed or used for research purposes only. If a temporary tolerance has expired, the treated commodity may still be marketed provided it was treated while the tolerance was in force and

was treated within the parameters of the Federal EUP governing that use. Crops treated following directions on a federally approved label for that crop are presumed to meet the required tolerance without further testing. Crops treated at higher than labeled rates or at shorter preharvest intervals must be analyzed to confirm they are within tolerance before being put into channels of trade, or else the crop must be destroyed. Again whether a crop is harvested or destroyed is determined by the presence or absence of a tolerance; no crop can be harvested during the current growing season if there is no tolerance in effect for that crop/active ingredient combination.

Agricultural Commissioner

The county agricultural commissioners regulate the RA program at the field level. Commissioners of counties where trials are to be conducted review the RAs for potential safety or environmental problems and check applications and sites for compliance with the conditions of the RA. If necessary, RAs will be modified or cancelled when there are reports of unforeseen adverse effects or noncompliance with RA conditions.

Notification Requirements

County commissioners must be provided with the location of each trial within their jurisdiction at least 24 hours before beginning application. The "Notice of Intent", as provided in Section 2452(j)(10), is used for this purpose. At the discretion of the county, this information may be received by telephone. The exact location of each trial in writing (or map) must also be provided to the commissioner within seven days of application or before harvest, whichever is sooner. The location designation must include the RA number and clearly define the location of the trial. An "Experimental Trial Report" card must be filed with the commissioner for each trial conducted. The notification must be submitted at the earliest possible date before beginning harvest or crop destruction.

If no trials were conducted in a county originally listed on the RA, the commissioner must be so notified, using the Experimental Trial Report card or other means. This notification must be done by the "Last Application" date on the RA. Thus, once a county has been listed on an RA, it must be notified, either as to work done under the RA or that no trials were conducted.

The Experimental Pesticide Use Report, issued with the RA, must be filed with the Pesticide Registration Branch in Sacramento within two weeks after the completion date on the RA. This use report should be used to report the total pesticide usage for the RA, or to notify the State that no work was conducted under the RA. Either of these notifications will close out the RA at the State level, which is a requirement of the RA.

NOTE: Failure to adhere to the conditions of an RA or to comply with the "special conditions" on the RA may lead to suspension of further work under the RA program at the county level or on a statewide basis.

Other Requirements

All products applied under an RA must be provided free of charge to any cooperator whose property is being used for experimental trials. Other costs associated with the work (such as application costs) may be shared by concurrence of all participating parties, but the intent of the regulation is that the grower is not to be charged for the product.

When the experimental application is performed by licensed agricultural pest control operators, they must be provided with a written recommendation by the person requesting the application, as specified in Sections 12003 and 6556 (attached). Information contained in the RA should be sufficient for this purpose.

Posting of research plots treated with experimental (numbered) compounds is required when (1) the compound is an organophosphate or carbamate, and (2) the application is to a high-contact crop such as citrus, peaches, grapes or apples, and (3) the experimental plot size is greater than one acre. When a registered pesticide is being tested under an RA for a new use, all applicable precautions on the registered label should be followed with respect to worker and applicator safety and reentry intervals. Sections 6700 through 6776 (attached) cover field worker safety under normal uses of registered pesticides. These sections may also apply to experimental work if field workers are involved.

In continuation of current practices, requests for amendments to an RA, such as the addition of a county, will be taken over the telephone. Such requests and other questions should be referred to the Plant Physiologist at (916)654-0604

Using a Federal Experimental Use Permit (EUP) In California

A Federal EUP may be used under the State RA program. The 100 acre limit applies and there can be no charge for the product. All other details of the RA must conform to the Federal EUP. Crop destruct is not required if a temporary tolerance has been established.

A Federal EUP may also be conditionally registered under Section 6200. The product may then be sold, and use is limited only by the specifications of the Federal EUP. The registration procedure involves data submission and review and public posting of the proposed registration decision. The California Department of Food and Agriculture (CDFA) may accept an application for conditional registration of a Federal EUP concurrently with its submission to EPA, if requested by the registrant.

Attachments

Division 6. Pesticides and Pest Control Operations
Chapter 2. Pesticides
Subchapter 1. Pesticide Registration
Article 13. Research Authorization

6260. Authorization for Research.

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

(b) The authorization may specify conditions under which the research shall 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 be conducted in accordance with that protocol.

(d) The 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 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 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.

6261. Exemptions from Authorization for Research.

NOTE: Authority cited: Sections 407, 12781 and 12976, Food and Agricultural Code.

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

6262. Application for Research Authorization.

(a) Application for a research authorization shall be made on a form 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) 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) 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.

6263. Experimental Applications.

NOTE: Authority cited: Sections 407, 12781 and 12796, Food and Agricultural Code.

Reference: Sections 11411, 11501(a)(b)(f), 12995 and 14006.6, Food and Agricultural Code.

6264. Notification and Use of Research Authorization.

(a) At least 24 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 research authorization; and

(2) A notice of intent 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.

(b) If no application of pesticide is made following the notice of intent, the researcher shall notify the agricultural 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.

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 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 department an Experimental Pesticide Use Report. 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.

6268. Exemptions from Authorization for Research.

(a) A pesticide registrant is exempt from the provisions of Section 6260 when the registrant is the operator of the property upon which the research is to be conducted and continues to be the operator until the treated commodity is destroyed or harvested.

(b) Personnel employed by colleges and universities and engaged in pesticide research are exempt from Section 6260 if they are operating according to the current established policy of the college or university which covers pesticide use and experimentation.

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

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

6270. Costs and Fees Prohibited.

The research authorization holder shall not charge the operator, owner, or person in possession of the property upon which the research is being conducted for the materials or use of the pesticide in connection with the research authorization. This prohibition includes charges or fees for labor and services in connection with the research authorization.

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

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

6272. Possession of Authorization.

Each person making an application of a pesticide under a research authorization shall have a copy of the authorization available at the use site at the time of the application.

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

Reference: Sections 11501(a)(b)(f), 12995 and 14006.6, Food and Agricultural Code.

Research Authorization Instructions

1. If an active ingredient is not registered in California, attach acute toxicity data, unless such data has been previously submitted. Usually an MSDS or technical bulletin is sufficient. If the product is federally registered, list the U.S. EPA registration number or federal Experimental Use Permit number.
2. More than one product or crop may be included in this Research Authorization (RA) if other parameters are similar. Generally, crops to be harvested, crops to be destroyed, and non-crop trials should be placed on separate RAs.
3. Stage of Growth - Identify the point in the crop production cycle when the pesticide will be applied.
4. Size of Trial - Each trial should be described by a unit of measure or count adequate to define its physical limits (acres, pounds, number of houses, etc.). Requests for uses which are not federally registered are limited to 10 acres (except for pheromones) unless a federal EUP is obtained. Any RA request over 100 acres per crop will require specific justification. All treatments and replicates at the same site can be considered part of the same trial, including multiple applications.
5. Type of Data Sought - What do you expect to determine from application of this product (e.g. residues, efficacy, crop tolerance, control of certain pests, environmental fate)? Also indicate here if the treated crop is genetically engineered.
6. Crop Harvest/Destruction: All food or feed crops treated with products for which no tolerance or exemption from tolerance has been established must be destroyed. Unless a justification/rationale is given for harvesting a food or feed crop, the default decision will be crop destruct. Treatments made according to a USEPA-registered label, or where a tolerance is established and similar use patterns exist, can be considered for crop harvest. Justifications for harvest should include the specific applicable residue tolerances.
7. Dates - The Starting Date and the Last Application Date should bracket the projected timeframe for actual pesticide applications. The Trial Completion Date is the end of the trial, after the collection of data, and the harvest or destruction of treated commodities. It is the time at which the trial site is released back to the cooperator.

NOTICE

Researchers must comply with the requirements contained in Title 3, Division 6, Sections 6260-6272 of the California Code of Regulations which are available from the Plant Physiology office or on the Department's home page (www.cdpr.ca.gov). Briefly, the Research Authorization notification and reporting requirements are:

1. At least 24 hours prior to initiation of a trial, a Notice of Intent and a copy of the RA must be submitted to the County Agricultural Commissioner (CAC).
2. Within 7 days of trial initiation, a plot map must be submitted to the CAC showing the exact location of the trial.
3. At least 24 hours before a commodity treated under an RA is harvested or destroyed, an Experimental Trial Report must be submitted to the CAC.
4. After the last application, but within two weeks of the completion date on the RA, the Experimental Pesticide Use Report must be returned to the Department, whether or not trials were initiated.

Use Precautions- When a registered pesticide is used in an RA trial, the use precautions and protective clothing requirements on the U.S. EPA-approved label should be followed. When trials involve experimental compounds whose toxicity has not been fully evaluated, protective clothing should at a minimum consist of protective eyewear, long-sleeved shirt, long pants, and chemically impervious gloves and boots, or other protective clothing as indicated on a technical bulletin or MSDS. The use of specific chemicals may be restricted by regulations which address worker exposure, reentry intervals, and use in Pest Management Zones.

The person or firm applying for this authorization accepts responsibility for the safe use of products being tested. Please allow two weeks to process this application.

Mail: Plant Physiologist
Pesticide Registration Branch
Department of Pesticide Regulation
P.O. Box 4015
Sacramento, California 95812 - 4015

For electronic forms, contact: dkoehler@cdpr.ca.gov
or go to: www.cdpr.ca.gov/docs/regforms/ra/ramenu.htm

RA Information: Koehler (916) 324-3950
Vandepeute (916) 324-3951
Pesticide Registration Branch (916) 445-4400

- Send originals whenever possible or e-mail the completed form. An e-mail submission without a signature must be followed with a signed hard copy.
- Overnight mail to: CDPR, 1001 I Street
Sacramento, CA 95814
- Approved RAs will be returned by mail.

These forms are received with the approved Research Authorization.

A. Trial report to be returned to Ag Commissioner's office prior to crop harvest or destruction:

PR-REG-029
(Rev. 9/98)

EXPERIMENTAL TRIAL REPORT

To the County Agricultural Commissioner
of

Authorization No.

County	Date Harvest Will Begin
Date	Trial Location
Disposition of Treated Commodity	
<input type="checkbox"/> Crop will be destroyed or used for research purposes only.	
<input type="checkbox"/> Crop will be analyzed for residues and marketed if tolerance is met.	Map No.
<input type="checkbox"/> Crop was marketed under the conditions of the RA.	Company
<input type="checkbox"/> Non-crop or non-bearing trial; no crop harvest or destruction.	Signature
<input type="checkbox"/> No trials conducted in this county.	Researcher (print)
	Phone No.

B. Experimental Use Report to be returned to Sacramento Office by "Completion Date" on RA:

State of California
Department of Pesticide Regulation
PR-REG-028 (Rev. 1/01)

Experimental Pesticide Use Report

Authorization No.

Product Applied	Total Lbs. A.I. Used	Area Treated	Commodity Treated	Crop Disposition	Counties Where Trials Were Conducted
A					
B					
C					
D					
E					

<p>Notice: This form must be returned to close out a Research Authorization. If no trials were conducted, indicate that above and return form.</p>	Researcher	<p>Return copy to: Plant Physiologist Pesticide Registration Branch Dept. of Pesticide Regulation P.O. Box 4015 Sacramento, CA 95812-4015</p>
	Firm	
	Address	
	City, State	

Pesticide Research Authorization

DPR Use
 Only

Researcher		Telephone No.
Firm Name		 Type or print this information for use as a mailing label.
Address		
City, State, Zip		

Pesticide	Maximum Rate of A.I. (per acre or other units)	U.S. EPA Registration No. (if any)
1.		
2.		
3.		
4.		

Type of Pesticide
 Insecticide/Acaricide
 Herbicide
 Desiccant/Defoliant
 Nematicide
 Rodenticide
 Spray Adjuvant
 Fungicide
 Plant Growth Regulator
 Other : _____

Commodity or Site to be Treated	Size of each Trial	Number of Trials	Total Area
1.			
2.	Method of Application <input type="checkbox"/> Aerial <input type="checkbox"/> Handheld <input type="checkbox"/> Ground <input type="checkbox"/> Other: _____		Multiple Applications? <input type="checkbox"/> Yes <input type="checkbox"/> No
3.	Type of Data Sought:		
4.	Disposition of Treated Commodity: (See instructions if not crop destruct)		
5.			

Stage of Growth: <input type="checkbox"/> Preplant <input type="checkbox"/> Growing Season (All Stages) <input type="checkbox"/> Post Harvest <input type="checkbox"/> Dormant <input type="checkbox"/> Other	Starting Date (first application)	Last Application Date	Trial Completion (crop harvest/destroy)
--	--------------------------------------	-----------------------	--

Signature of Responsible Researcher	Title	Date
-------------------------------------	-------	------

DPR Use Only - Below This Line

Conditions: This authorization is approved for use statewide and expires on the completion date shown above unless otherwise specified.

- A Treated commodity may be harvested.
- B Non-Crop - No harvestable food/feed crop is involved.
- C Treated commodity must be destroyed or used for research purposes only.
- D Other:

Approval	Date
----------	------