



Department of Pesticide Regulation



Paul E. Helliker
Director

Gray Davis
Governor

California Notice 2000-6

Winston H. Hickox
*Secretary, California
Environmental
Protection Agency*

TO: ALL REGISTRANTS AND OTHER INTERESTED PERSONS

**SUBJECT: EXEMPTION OF CERTAIN PESTICIDE PRODUCTS
FROM REGISTRATION**

Effective May 26, 2000, the Department of Pesticide Regulation (DPR) no longer requires certain exempted pesticide products to be registered.

California Code of Regulations (CCR) section 6147 (enclosed) establishes an exemption from the requirements of Food and Agricultural Code (FAC) Division 7 for pesticide products containing certain substances or classes of substances. DPR has determined that the exemption of the pesticides covered by this regulation will not pose unreasonable risks to public health or the environment. Pesticide products that do not meet the criteria of [CCR section 6147](#) will continue to be regulated by DPR.

Background

With certain limited exceptions, existing law requires every manufacturer of, importer of, or dealer in any pesticide to obtain a certificate of registration from DPR before offering the pesticide for sale in the State of California. FAC section 12753 defines a "pesticide" as (1) any spray adjuvant, and (2) any substance, or mixture of substances that is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, as defined in FAC section 12754.5, that may infest or be detrimental to vegetation, man, animals, or households, or be present in any agricultural or nonagricultural environment.

Prior to 1998, the FAC did not provide DPR with the authority to exempt pesticide products from state regulatory requirements. Effective January 1, 1998, Chapter 691 (Statutes of 1997) added section 12803 to the FAC. FAC section 12803 authorizes the Director, by regulation, to exempt from all or part of the requirements of FAC Division 7. pesticides exempted from federal

requirements pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), section 25(b). The exemption only applies to those pesticides that the U.S. Environmental Protection Agency (U.S. EPA) determines to "be of a character unnecessary to be subject to FIFRA." FAC section 12803 also states, "Notwithstanding any other provision of law, the Director shall retain authority to regulate any substance exempted pursuant to this section whether registered or not." DPR implements FAC section 12803 with the adoption of [CCR section 6147](#).

Implementation

Products registered with DPR, which now qualify for exemption from registration, will remain registered until the registrant takes further action. If a pesticide product does not meet all of the exemption criteria, the product is not exempt from FAC and its sale or distribution, if not registered, would be a violation of FAC. Producers of exempted products do not need to notify DPR or obtain confirmation that the product is exempt pursuant to [CCR section 6147](#).

It's important to note that DPR's criteria for exemption are not exactly the same as U.S. EPA's. Registrants should read DPR's regulation carefully as well as reading U.S. EPA's recent PR Notice 2000-6, *Minimum Risk Pesticides Exempted Under FIFRA Section 25(b) Clarification of Issues*.

The following is a list of common questions regarding exempt products, along with DPR's answers to those questions:

1. QUESTION: What does a registrant need to do to withdraw a currently registered product that qualifies for exemption?

ANSWER: To withdraw the registration of your product, submit a written letter to:

Licensing
Pesticide Registration Branch
Department of Pesticide Regulation
830 K Street
Sacramento, California 95814-3510

The request must be accompanied by a signed copy of DPR's "Request For Voluntary Cancellation Of Pesticide Product Registration In California" form (enclosed) listing the California registration number and the brand name of each product. The form is available on DPR's Home Page at <http://www.cdpr.ca.gov/docs/regforms/cancel/volcancel.pdf>.

Once the registration of a product has been withdrawn, existing stocks may be possessed and sold by a dealer for two years. If acquired while legally registered or within two years after the date of last registration, such products may be possessed and used according to the directions on the label until supplies are exhausted.

2. QUESTION: What does a current applicant for registration of a pesticide that qualifies for exemption need to do to withdraw their application for registration?

ANSWER: Submit a letter to your assigned registration specialist requesting to withdraw their application for registration. This letter must clearly identify which application the registrant wishes to withdraw.

3. QUESTION: Can the registrant of an exempt product maintain the registration of their product until the end of the year and then simply not renew the registration of the product for 2001?

ANSWER: Yes. However, the registrant of the product remains subject to all California laws and regulations, including mill assessment, until such time as the product is no longer registered.

4. QUESTION: Can the label of an exempt product bear a U.S. EPA or a California Registration Number?

ANSWER: No. Any reference to a U.S. EPA or a California Registration number would be false and misleading because they imply that the product is registered with one or both of the agencies.

5. QUESTION: If the exempt product is labeled for use on food or feed crops, is there a requirement for a tolerance or exemption from tolerance?

ANSWER: Yes. Even though a pesticide product qualifies for exemption under CCR section 6147, it is still subject to any applicable requirements of the Federal Food, Drug, and Cosmetic Act if its use results in pesticide chemical residues on or in food commodities or animal feed.

6. QUESTION: Does the exemption regulation apply to spray adjuvants?

ANSWER: Yes, if a spray adjuvant product meets all of the criteria in CCR section 6147, then it qualifies for exemption.

7. QUESTION: Are producers of exempt products still subject to adverse effects reporting?

ANSWER: Yes. Producers of exempt products are subject to the adverse

effects reporting requirements listed in CCR section 6147(b).

8. QUESTION: Where can a person find a copy of U.S. EPA's most current List 4A, Inerts of Minimal Concern?

ANSWER: A copy of U.S. EPA's current List 4A is available on their Home Page at <http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=1994_register&docid=94-23890>.

9. QUESTION: Are exempt products subject to pesticide use reporting?

ANSWER: No.

10. QUESTION: Are exempt products subject to mill assessment?

ANSWER: No, unless the manufacturer of the product chooses to register the product with U.S. EPA and/or DPR.

11. QUESTION: If a registrant wishes to, can they continue to register a pesticide product with DPR that qualifies for exemption? Likewise, will DPR accept applications for registration of new pesticide products that qualify for exemption?

ANSWER: Yes. However, the registrant of the product remains subject to all California laws and regulations, including mill assessment, until such time as the product is no longer registered.

12. QUESTION: If a registrant chooses to register a pesticide product with U.S. EPA, even though the product qualifies for exemption, are they required to register the product with DPR?

ANSWER: Yes. However, the registrant of the product remains subject to all California laws and regulations, including mill assessment, until such time as the product is no longer registered.

If you have any further questions, please call Ms. Ann Prichard at (916) 324-3931 or e-mail her at <aprichard@cdpr.ca.gov>. If you have questions about a specific registered product, please contact your Registration Specialist. If you have questions regarding enforcement of the exemption regulation, please call Mr. George Farnsworth at (916) 445-3873 or e-mail him at <gfarnsworth@cdpr.ca.gov>.

original signed by Barry Cortez

June 6, 2000

Barry Cortez, Chief
Pesticide Registration Branch
(916) 445-4377

Date

830 K Street - Sacramento, California 95814-3510 - www.cdpr.ca.gov
A Department of the California Environmental Protection Agency
