



Mary-Ann Warmerdam
Director

Arnold Schwarzenegger
Governor

California Notice 2009-5

TO: Pesticide Registrants and Designated Agents

SUBJECT: Designated Agent Authorization Letters

Currently, if a registrant wishes to designate an agent or consultant to work with the California Department of Pesticide Regulation's (DPR) Pesticide Registration Branch (PRB) on its behalf, the registrant must submit a designated agent authorization letter to DPR. In the past, DPR accepted letters simply listing the name of an agent/consultant's firm without specifying specific individuals.

Effective immediately, DPR will no longer accept letters designating just the name of a firm. All designated agent authorization letters must include the names of specific individuals working for the firm who are authorized to work with DPR on registration issues.

The term "designated agent" can mean certain designated members of a firm or an independent consultant or similar representative. Once authorized, DPR grants a designated agent(s) access to confidential business information that belongs to the represented company and allows the agent(s) to make registration decisions on behalf of the registrant. It is therefore imperative that registrants submit to DPR's PRB by mail, fax or e-mail, a letter signed by the appropriate company official on company letterhead listing the names of individuals who are authorized to act on its behalf. The designated agent or their representative firm **may not** write the letter.

The authorization letter does not need to be specifically addressed to PRB or DPR. It can be a blanket letter to all states (or specified states including California), provided the names of the designated individual(s) are listed within the document. The document must be dated no more than two months prior to the date of the letter's submission to DPR. If any changes occur, it is the responsibility of the registrant to notify PRB. Once the letter is on file, the registrant is not required to submit additional copies of the letter with each separate registration package. However, registrants or agents should note in their cover letter that a designated agent letter is currently on file with DPR.

Registrants located in a foreign country without a United States (U.S.) address must designate a U.S. based agent to act on their behalf. Such registrants are required to provide DPR with the name and address of an agent/consultant with a U.S. address.

Please note that for legal purposes, DPR issues all new product licenses directly to the registrant's business address, not the address of the designated agent, with one exception. In the case of registrants located in foreign countries without a U.S. address, DPR issues new product licenses to the address of the agent/consultant of record. Upon request, DPR will send an



additional copy of the new product license to the designated agent, or in the case of a registrant located in a foreign country without a U.S. address, to the company's foreign address. In addition, for all federally registered pesticide products, the registrant's address must match the address on file with the U.S. Environmental Protection Agency.

In summary:

- The designated agent authorization letter must identify the names of specific individuals within a firm who are authorized to communicate with PRB
- The letter must be written on official company letterhead and signed by an official of the registrant, not the designated agent
- The letter does not need to be written specifically to PRB or DPR provided the name(s) of the designated individual(s) is/are listed in the document
- The letter must be dated within two months of the initial submission to DPR
- The authorized persons are considered authorized designated agents until the registrant provides PRB with a written notice stating otherwise
- The letter does not need to be submitted with additional registration packages if a designated agent authorization letter is currently on file and the registrant or agent references the letter in their cover letter

If you have any questions, please contact Ms. Rachel Kubiak, Ombudsman, by e-mail at <rkubiak@cdpr.ca.gov> or by telephone at (916) 324-3939.

Original signed by

August 13, 2009

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Date

cc: Ms. Polly Frenkel, Chief Counsel
Ms. Rachel Kubiak, Ombudsman