



Department of Pesticide Regulation



Brian R. Leahy
Director

Edmund G. Brown Jr.
Governor

California Notice 2015-03
(Supersedes California Notice 2005-10)

TO: Pesticide Product Registrants and Other Stakeholders

SUBJECT: CONCURRENT SUBMISSION OF PESTICIDE PRODUCTS TO THE
DEPARTMENT OF PESTICIDE REGULATION AND THE U.S.
ENVIRONMENTAL PROTECTION AGENCY

The Department of Pesticide Regulation (DPR) accepts applications for certain types of pesticide products before federal registration and accepts amendments for certain types of registered products before the amendments are accepted by the U.S. Environmental Protection Agency (U.S. EPA). The following application types (criteria) may be submitted concurrently to DPR and U.S. EPA:

1. Applications to register new pesticide products containing new active ingredients (Food and Agricultural Code (FAC) §12836.5);
2. Applications to register new or amend Experimental Use Permit pesticide products;
3. Applications to register new or amend a currently registered antimicrobial pesticides as defined in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) §2(mm) that are intended to control pests that pose a threat to human health (FAC §12836). The amendment must add a new claim to control a pest that poses a threat to human health;
4. Applications to register new "public health pesticides" or to amend registered "public health pesticides" *if* the amendment adds a new public health use(s) to the product label (FAC §12836). For purposes of this notice, a "public health pesticide" is a "minor use" pesticide as defined in FIFRA §2(II) that is labeled for use in a public health program or is used predominately in a public health program by a public health agency. The term "public health pesticide" does not include products intended for use by homeowners. If the "public health pesticide" is not labeled for use by a public health agency, the applicant must submit documentation from a public health agency regarding how the agency plans to use the product in California to qualify for concurrent submission; and
5. With prior approval from the Pesticide Registration Branch Chief, applications to register a new or amend a registered pesticide product. See details below.



Requests for Concurrent Submissions

For requests meeting criteria 1 through 4 above, the applicant must submit a letter clearly stating: 1) the product/amendment is not yet federally registered/accepted; 2) concurrent acceptance of the application is requested; and, 3) which of the four criteria the product meets.

If the applicant wishes to request concurrent submission, but the submission does not meet one of the first four criteria (i.e., criteria 5), the applicant must send a letter requesting approval to the Pesticide Registration Branch Chief **before** submitting an application to DPR. In the letter, the applicant must clearly state: 1) the product/amendment is not yet federally registered or accepted; 2) concurrent acceptance of the application is requested; and, 3) the justification with supporting documentation for the concurrent submission request (e.g., no other effective alternatives available for a specific pest problem). The applicant will be notified of the decision and if affirmative, the applicant may then submit the application.

Processing Concurrent Submissions

In an effort to maintain equity, DPR reviews concurrent submissions in the order received, along with all other applications for registration of pesticide products. DPR's acceptance of California registration requests prior to federal registration/acceptance or issuance of a federal Experimental Use Permit does not reduce any of DPR's data requirements. **All data and information required by California statutes and regulations, including all data and information submitted to U.S. EPA, must still be submitted with your California registration request.**

DPR will strive, as resources allow, to review submissions within the same timeframe as U.S. EPA if the submission meets criteria 3 or 4 above **and** there are **no effective alternatives** to control the human health microbe or public health pest. If you wish to request concurrent submission and evaluation of an application meeting criteria 3 or 4 above, you must include with your application a letter addressed to the Pesticide Registration Branch Chief that clearly states: 1) the product/amendment is not yet federally registered/accepted; 2) concurrent acceptance of the application is requested; 3) concurrent evaluation of the submission is also requested; and, 4) your justification with supporting documentation that no effective alternatives are available for a specific human health microbe or public health pest problem. You will be notified if the Branch Chief denies your request for concurrent evaluation.

After federal registration or acceptance of an amendment to the registered product, it is the applicant's responsibility to submit the following items to DPR: 1) U.S. EPA's acceptance letter; 2) U.S. EPA stamped-accepted label; and, 3) any additional data submitted to U.S. EPA in support of the proposed registration/amendment. California registration of the product or acceptance of the amendment will not be granted until U.S. EPA's stamped-accepted label and acceptance letter are received, and the proposed California label is received and accepted by DPR.

If you have questions regarding this notice, please contact Mr. Richard Spas, Pesticide Registration Branch Ombudsman by e-mail at <Richard.Spas@cdpr.ca.gov> or by telephone at 916-322-9522.

Original signed by

February 27, 2015

Ann M. Prichard, Chief
Pesticide Registration Branch
916-324-3931

Date

cc: Mr. Richard Spas, DPR Senior Environmental Scientist (Supervisor)