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California Notice 2017-08

TO: Pesticide Registrants and Stakeholders

SUBJECT: GUIDANCE ON REGISTERING PESTICIDE IMPREGNATED MATERIALS

Effective July 1, 2017, the Department of Pesticide Regulation (DPR) requires each company with products made from pesticide impregnated material bearing pesticide claims and sold, under their own company name, into or within California to register the products as a pesticide.

Historically, these products have been registered by either the manufacturer of the pesticide used to impregnate the material or by the company impregnating the bolts of fabric or clothing. In addition to requiring the manufacturer to register pesticide impregnated materials sold into or within California, DPR is requiring each retailer/brand partner with products made from pesticide impregnated material and sold, under their own company name, into or within California to register their product(s) as a pesticide. Registration by the manufacturer of the pesticide impregnated material will facilitate the registration of the retail/brand partner.

This notice provides guidance to applicants registering pesticide impregnated materials bearing pesticide claims to be sold and distributed into or within California.

CATEGORICAL REGISTRATION

Each company will need to obtain at least one registration for each use category, apparel and/or non-apparel, of product sold under a unique company brand name.¹ One registration in the “apparel” use category would include all the company’s wearable items under the same brand name (e.g., shirts, pants, shorts, socks, hats, and jackets for humans and animals). One registration in the “non-apparel” use category would include all of company’s non-wearable items under the same brand name (e.g., bedding, horse blankets, tents, seat covers, chopping blocks, shower curtains, and mouse pads). If the company sells and distributes shirts and tents, the company will need two separate registrations, one registration for apparel and a second registration for non-apparel.

In the cover letter, each applicant is expected to identify whether the company is requesting an apparel or non-apparel registration. If the use category chosen is incorrect, DPR will notify the applicant.

¹ For example, if Company X has purchased the rights to use different brand names and wants to register a pesticide impregnated shirt under Brand Name A and also under Brand Name B, it will need a separate registration for each of the separate brand names.



REGISTRATION REQUIREMENTS

Submit the following to register a pesticide impregnated material product in California:

- Cover letter explaining, in detail, the intent of the submission and the following:
 - ✓ Type of category registration (apparel or non-apparel, see Categorical Registration)
 - ✓ If not submitting data, but referencing data previously submitted to DPR and/or similar product(s) registered in California, identify the referenced product name and registration number.
- \$1,150 application fee, payable to: Cashier, Department of Pesticide Regulation (currently, DPR only accepts checks)
- Application for Pesticide Registration (DPR-REG-030). See sample application.
 - ✓ Each company will need to submit one application for each use category of product sold (see Categorical Registration)
 - ✓ If items are impregnated with different active ingredients or different percentages of the same active ingredient, separate applications will be required for each formulation
- Six copies of all final printed labels or printer's proof labels that will appear on the pesticide impregnated product, including the manufacturer's label with required federal labeling elements (see Labeling)
- Data to support all claims on the pesticide product label or reference to data, and/or substantially similar product(s) already accepted by DPR with the same claims (see cover letter above)
- Copy of the manufacturer's most recent U. S. Environmental Protection Agency (U.S. EPA) stamp-accepted label and acceptance/correspondence letter
- Agent letter of authorization (if applicable, see Designated Agent)

APPLICATION

It is important to accurately complete the Application for Pesticide Registration (DPR-REG-030). Most pesticide impregnated materials are considered insecticides, fungicides, repellents, or antimicrobials. Pesticide impregnated materials are "topically applied" by ground, not by soil. Submit either a completed U.S. EPA Confidential Statement of Formula (CSF) or the Product Formulation Information (PFI) provided with DPR's application.

Sample Application:

<http://cdpr.ca.gov/docs/registration/canot/2017/ca2017-08_sample_application.pdf>

LABELING

Each product (e.g., jacket, shirt, hat, tent, seat cover) must bear the U.S. EPA approved pesticide product label. In most cases, this is the manufacturer's label, which contains required federal labeling elements (e.g., ingredient statement, use directions, storage and disposal statements). In addition to the federally approved pesticide product label, the product must also bear a label with the retailer/brand partner's name. Unlike other types of pesticide products registered by DPR, the California registration number is **not** required to be on product labeling

CALIFORNIA-ONLY REGISTRATION NUMBER

DPR will assign a separate California-only registration number to each pesticide impregnated product upon submission of an Application for Pesticide Registration (DPR-REG-030). If the applicant does not have a firm number assigned by the U.S. EPA, DPR will assign a firm number to the company. Upon assignment of a California-only registration number (and firm number, if necessary), DPR will notify applicants via e-mail (if provided). If the applicant does not provide an e-mail address, the assigned Regulatory Scientist will inform the company of the assigned California Registration Number(s) and firm number (if necessary). Again, the California registration number is **not** required to be on product labeling.

DESIGNATED AGENT

Companies may designate an agent (e.g., pesticide manufacturer, consultant) to work with DPR on their behalf. A letter of authorization from the company is required. For details regarding designated agent authorization letters, see California Notice 2009-05, which can be found on DPR's Web site at <<http://www.cdpr.ca.gov/docs/registration/canot/2009/ca2009-05.pdf>>.

CHANGES AFTER PRODUCT REGISTRATION

After a product is registered in California, there may be changes that will require notification or submission to DPR. These include company name changes, address changes, company ownership changes, and product transfers. For more information regarding these changes, visit DPR's Web site at <http://www.cdpr.ca.gov/docs/registration/changes_after_registration.htm>.

REVISIONS TO PRODUCTS

If there are changes to the labeling of the product (including the manufacturer's label or product brand label) relating to pesticide claims, the label may need to be submitted and approved by DPR before distribution or sale into and within California. For more information on whether a labeling change may require submission to DPR, visit DPR Web site at <<http://www.cdpr.ca.gov/docs/registration/revisions.htm>>.

RENEWAL

An annual renewal application and fee is required for each product registered in California. For more information regarding renewals, visit DPR's Web site at <<http://www.cdpr.ca.gov/docs/registration/fees.htm>>.

CALIFORNIA MILL ASSESSMENT

Once a product is registered by DPR, the product is subject to mill assessment. California Food and Agricultural Code section 12841 requires a mill assessment payment on each dollar sales of all pesticide products sold for use in California. All companies must report the total dollar sales of each finished product sold in California under their company name (using the retail price of the product) as it appears on the seller's invoice for the first sale/distribution of the product into or within California. If the first sale is not made by the company, but by a pesticide broker or pesticide dealer, the broker/dealer must report and pay the mill assessment as it appears on their seller's invoice. For more information, visit DPR's Web site at <<http://www.cdpr.ca.gov/docs/registration/fees.htm>>.

If you have questions, please contact the Pesticide Registration Branch Ombudsman, Ms. Jolynn Mahmoudi-Haeri, at <Registration.Ombudsman@cdpr.ca.gov> or by telephone at 916-324-3545.

Original signed by Ann M. Prichard

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

May 22, 2017

Date

cc: Ms. Jolynn Mahmoudi-Haeri, DPR Senior Environmental Scientist (Specialist)
Mr. Stephen Philbin, DPR Environmental Scientist