

California Notice 96-7

TO: REGISTRANTS OF PESTICIDE PRODUCTS AND OTHER
INTERESTED PERSONS

SUBJECT: FOOD AND AGRICULTURAL CODE SECTION 12832:
REGISTRATION OF PESTICIDE PRODUCTS FOR USE
ON ALFALFA AND VEGETABLE CROPS GROWN FOR
SEED PRODUCTION

Assembly Bill 697 added section 12832 to the Food and Agricultural Code (FAC), effective January 1, 1996. FAC section 12832 states that alfalfa and all vegetable crops grown for seed, except corn, beans, pumpkin, and peas shall be considered to be nonfood and nonfeed sites of pesticide use, if certain conditions are met. The conditions include: (1) all seed screenings must be disposed of in such a way that the screenings cannot be distributed or used for food or feed and records of the disposal must be kept by the seed conditioner for three years; (2) no portion of the seed plant may be used or distributed for food or feed; (3) all seed crops grown on a nonfood/nonfeed site or conditioned in California must bear a tag or container label that forbids the use of the seed for human consumption or animal feed; and (4) seed grown on a nonfood/nonfeed site or conditioned in California may not be distributed for human consumption or animal feed.

Background

If a pesticide product is already registered with the U.S. Environmental Protection Agency (U.S. EPA), then U.S. EPA has made a determination with regard to the need for a tolerance. However, when the Department of Pesticide Regulation (DPR) receives a request for a Section 24(c) registration pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the pesticide is not federally registered for use on the crop for which the registration is being requested. Therefore, U.S. EPA has not yet made a

determination regarding the need for a tolerance or an exemption from tolerance, and the provisions of FAC section 12832 apply.

Determinations

DPR, with concurrence from U.S. EPA, has determined that:

1. The following crops when grown for seed may be considered to be nonfood/nonfeed sites of pesticide use. This means that a FIFRA Section 24(c) registration could be issued for the use of a pesticide on these crops when grown for seed, in the absence of a tolerance or an exemption from tolerance, if used in accordance with the conditions of FAC section 12832:

Alfalfa		Kohlrabi
Argula		Leek
Beets, table	Lettuce	
Broccoli, raab	Mustard	
Brussels sprouts		Onion, bulb
Cabbage		Onion, bunching
Carrot		Parsley
Cauliflower	Parsnip	
Chinese cabbage	Radish(other than Daikon)	
Chinese kale	Rape, leafy vegetable	
Chinese mustard	Rutabaga	
Collard		Spinach
Coriander		Spinach mustard
Dill		Swiss chard
Endive		Turnip, market
Kale		Turnip, fodder

2. The following crops when grown for seed are considered to be food/feed sites of pesticide use. Therefore, a tolerance or an exemption from tolerance must be established by U.S. EPA before a FIFRA Section 24(c) registration can be issued for the use of a pesticide on these crops when grown for seed:

Corn	Beans
Pumpkin	Peas
Squash	Daikon

Procedures

1. If DPR receives an application for a FIFRA Section 24(c) registration and the pesticide product is intended to be used on any of the crops listed under item number one above, DPR will consider the crop, if grown for seed, to be a nonfood/nonfeed site of pesticide use for which a tolerance or exemption from tolerance is not needed. The FIFRA Section 24(c) must be justified.

The restrictions listed in FAC section 12832(a)(1)-(4) must be listed on the proposed FIFRA Section 24(c) pesticide label. In addition, DPR may impose additional restrictions on such FIFRA Section 24(c) registrations, when determined to be necessary.

2. If DPR receives an application for a FIFRA Section 24(c) registration and the pesticide product is intended to be used on any of the crops listed under item number two above, DPR will consider the crop, if grown for seed, to be a food/feed site of pesticide use for which a tolerance or exemption from tolerance must be established. The FIFRA Section 24(c) must be justified.
3. If an application for a FIFRA Section 24(c) registration is received for a pesticide which is intended for use on a small-seeded vegetable crop which is being grown for seed and the crop is not included in either the list under item number one or the list under item number two, additional information must be provided on the crop to support a nonfood/nonfeed designation.

The additional information must support a conclusion that diversion for food or feed uses of all portions of the crop would be precluded. U.S. EPA has specifically stated that they need additional information on seeds of caraway, celery, and fennel. In addition, the FIFRA Section 24(c) must be justified.

Prior to issuance of a FIFRA Section 24(c) registration for use of a pesticide on any crop grown for seed which is not listed under items number one or two, without a tolerance or exemption from tolerance, DPR must obtain U.S. EPA's agreement that the crop can be considered a nonfood/nonfeed site of pesticide use.

If you have any questions, please contact Mr. Jerome Campbell, Supervisor of Registration, Pesticide Registration Branch, at (916) 324-3889.

Original signed by

Barry Cortez, Chief
Pesticide Registration Branch

October 25, 1996

Date