

## TEXT OF PROPOSED REGULATIONS

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Current wording is indicated by regular type.  
Proposed deletions are indicated by ~~strikeout~~.  
Proposed additions are indicated by underline.

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### TITLE 3. CALIFORNIA CODE OF REGULATIONS DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS CHAPTER 1. PESTICIDE REGULATORY PROGRAM SUBCHAPTER 1. DEFINITION OF TERMS ARTICLE 1. DEFINITIONS FOR DIVISION 6

Amend section 6000 to read:

#### **6000. Definitions**

...

“Pesticide-treated seed” means any seed treated with one or more pesticides.

...

NOTE: Authority cited: Sections 11456, 11502, 12111, 12781, 12976, 12981, 13145, 14001 and 14005, Food and Agricultural Code. Reference: Sections 11401.2, 11408, 11410, 11501, 11701, 11702, 11704, 11708, 12042, 12103, 12971, 12972, 12973, 12980, 12981, 13145, 13146 and 14006, Food and Agricultural Code.

### CHAPTER 2. PESTICIDES SUBCHAPTER 1. PESTICIDE REGULATION ARTICLE 1. GENERAL PROVISIONS

Amend section 6147 to read:

#### **6147. Exempted Pesticide Products.**

(a) Manufacturers of, importers of, and dealers in the following pesticide products or classes of pesticide products are exempt from the requirements of Division 7 of the Food and Agricultural Code, provided the pesticide products are exempt pursuant to section 25(b)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. sec. 136w(b)(2)]:

...

(6)(A) A pesticide-treated seed, if all of the following conditions are met:

1. The seed is treated with a pesticide to protect the seed itself;
2. Any pesticide used to treat the seed is registered by the Department for such use, and;
3. The seed is properly labeled in compliance with Food and Agricultural Code section 52484.

(B) Pesticide-treated seeds are further subject to reporting requirements pursuant to section 6626.5.

(b) Whenever the manufacturer of, importer of, or dealer in any product exempted pursuant to this section has factual or scientific evidence of any adverse effect or risk to human health or the environment that has not previously been submitted to the department, the manufacturer, importer, or dealer shall report the evidence to the department within 60 days of learning of the information.

NOTE: Authority cited: Sections 11456, 12781 and 12803, Food and Agricultural Code. Reference: Section 12803, Food and Agricultural Code.

CHAPTER 3. PEST CONTROL OPERATIONS  
SUBCHAPTER 2. WORK REQUIREMENTS  
ARTICLE 1. PEST CONTROL OPERATIONS GENERALLY

Adopt section 6626.5 to read:

**6626.5. Pesticide Use Reports for Applications of Pesticide-Treated Seeds.**

Persons required to record pesticide use pursuant to section 6624 shall report a summary of the monthly use of pesticide-treated seed, by crop or commodity, to the commissioner of the county in which the work was performed. The report shall be provided to the commissioner by the 10th day of the month following the month in which the work was performed. If the county in which the work was performed has no commissioner, the report shall be made to the Director. The report shall be on a Department form or in a format approved by the Director. If the report is mailed, the postmark shall be the date of delivery.

(a) The report shall include the following:

- (1) The name and address of the person who or business/organization which applied the pesticide;
- (2) County where the pest control was performed;
- (3) Month and year of pesticide use;
- (4) Crop or commodity;
- (5) Amount of pesticide-treated seed applied;
- (6) Pesticide(s), including the U.S. Environmental Protection Agency (U.S. EPA) or State registration number for each product that the seed is treated with and the quantity applied by weight or amount per seed; and
- (7) Total acres treated during the month.

(b) If the pesticide-treated seed work is performed by a pest control business, the business shall be responsible for providing the report to the commissioner; however, the operator of the property treated shall retain a copy of the business' report by site for two years.

NOTE: Authority cited: Sections 11456, 11502, 12976, 13145 and 14005, Food and Agricultural Code.  
Reference: Sections 11501, 11708, 11733, 14006 and 14011.5, Food and Agricultural Code.

ARTICLE 5. PESTICIDE USE NEAR SCHOOLSITES

Amend section 6691 to read:

**6691. Pesticide Application Restrictions**

Pesticide application restrictions will apply Monday through Friday, during the hours of 6:00 a.m. to 6:00 p.m., depending on the distance from the treated area to a schoolsite, the application equipment used, and type of pesticide applied. The type of pesticide is not the product formulation but the final form applied (e.g., if a powder is mixed with water and then applied, this is considered a liquid application). During these time periods, the operator of the property and the applicator shall assure that an application is not made within the distance of the schoolsite as specified below.

(a) There must be a minimum ¼ mile distance restriction for applications using a:

- (1) Aircraft.

...

(b) There must be a minimum 25 foot distance restriction when using a:

...

(c) Notwithstanding subsections (a) and (b), there is no distance restriction when:

...

(4) a pesticide is applied as a granule, flake, ~~or~~ pellet, or pesticide-treated seed. However, when the pesticide product formulation is applied as a fumigant, or applied by aircraft, the ¼ mile distance restriction in subsection (a) applies.

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NOTE: Authority cited: Sections 11456 and 12976, Food and Agricultural Code. Reference: Sections 2281, 11501.5 and 11501, Food and Agricultural Code.

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