

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; and
2. Any pesticide used to treat the seed is registered by the Department for such use.

(B) Pesticide-treated seeds that meet the criteria in section (a)(6)(A) 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 that meets the criteria in section 6147(a)(6)(A), 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 planted the pesticide-treated seed;

(2) County where the pesticide-treated seed was planted;

(3) Month and year of planting of pesticide-treated seed;

(4) Type of seed;

(5) Amount of pesticide-treated seed planted;

(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 area planted during the month.

(b) If the planting of pesticide-treated seeds is performed by a pest control business, the business shall be responsible for providing the report to the Commissioner. A copy of the report shall be provided to the operator of the property. Reports shall be retained for two years.

NOTE: Authority cited: Sections 11456, 11502 and 12976, Food and Agricultural Code.  
Reference: Sections 11501, 11708, 11733 and 12979, 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.

...

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

CHAPTER 3. PEST CONTROL OPERATIONS  
SUBCHAPTER 3. PESTICIDE WORKER SAFETY  
ARTICLE 3. FIELD WORKER SAFETY

**6760. Employer Responsibility and Exceptions.**

(a) Employers shall comply with the requirements of this article to protect employees who may enter treated fields.

(b) If only granular baits or attractants or repellents in traps have been applied in a field, the employer is exempt from the requirements of Sections 6762 (Field Work During Application), 6764 (Fieldworker Training), 6766(a) and (b) (Emergency Medical Care), 6768 (Decontamination Facilities), 6770 (Entry After Pesticide Application), 6771 (Requirements for Early Entry Fieldworkers), 6772 (Restricted Entry Intervals), 6774 (Restricted Entry Interval Adjustments), and 6776 (Field Posting).

(c) Pesticide applications for areawide public pest control programs sponsored by governmental agencies, such as for fruit fly eradication, and those made by vector control agencies operating under cooperative agreements with the State Department of Health Services pursuant to Section 116180 of the Health and Safety Code, and contractors of those agencies, are exempt from the requirements of this article.

(d) If only algaecides have been used to treat the irrigation system, the employer is exempt from the requirements of Sections 6762 (Field Work During Application), 6764 (Fieldworker Training), 6766(a) and (b) (Emergency Medical Care), 6768 (Decontamination Facilities), 6770 (Field Entry After Pesticide Application), 6771 (Requirements for Early Entry Fieldworkers), 6772 (Restricted Entry Intervals), 6774 (Restricted Entry Interval Adjustments), and 6776 (Field Posting).

(e) If pesticides have been applied only by injection directly into plants the employer is exempt from the requirements of this article. Direct injection does not include “hack and squirt” methods.

(f) If only pesticide-treated seeds planted below the surface of the soil have been applied in a field, the employer is exempt from the requirements of Sections 6770 (Field Entry After Scheduled or Completed Pesticide Application), 6771 (Requirements for Early Entry Employees), 6772 (Restricted Entry Intervals), 6774 (Restricted Entry Interval Adjustments), and 6776 (Field Postings).

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.