



State of California

Volume 2

**Pesticide
Use
Enforcement
Program
Standards
Compendium**

Laws

**Food and
Agricultural
Code**

January 2022

**California
Food and Agricultural
Code**

**Division 6.
Pest Control Operations
and**

**Excerpts from:
General Provisions,
Definitions, and
Divisions 1, 2, 7, and 13**



**Prepared by:
State of California
Department of Pesticide Regulation
3077 Fite Circle, Suite 100
Sacramento, California 95827
(916) 324-4100
Fax (916) 362-1010**

This page intentionally left blank

Table of Contents

These excerpts are relevant to county/state administration of the pesticide regulatory program.

History Note Regarding the FAC: Some of the authority for the Pesticide Use Enforcement Program found in the pages of the Governor’s Reorganization Plans 1 & 2 of 1991 (GRP-1, GRP-2) is not found in the California Legislative Information internet Web pages, however GRP-1 changes are incorporated into this update of the Compendium Volume 2, Laws and Regulations. When reviewing various provisions in California statutes, especially the Food and Agricultural Code (FAC), please note that the California Environmental Protection Agency (CalEPA) was created July 1, 1991 under the Governor's Reorganization Plan Number 1. At that time, the programs and personnel responsible for pesticide safety and health regulations in the California Department of Food and Agriculture (CDFA) were moved to the newly created Department of Pesticide Regulation (DPR) under CalEPA. The statutory provisions making these changes were not codified by GRP-1 and therefore cannot be viewed on the California Legislative Information website or in basic published law books. Nonetheless, GRP-1 is "law" and is controlling for determining which state agency has which powers. The GRP-1 with excerpts applicable to the pesticide regulatory program bookmarked is included as the last chapter of Compendium Volume 2. The GRP-1 is available online at: https://clerk.assembly.ca.gov/sites/clerk.assembly.ca.gov/files/archive/Statutes/1991/91Vol4_Gov_Reorgplan1.pdf

		<u>Section(s)</u>
DIVISION 1. STATE ADMINISTRATION		
PART 1. THE DEPARTMENT OF FOOD AND AGRICULTURE		
CHAPTER 2.	FISCAL DUTIES AND POWERS	(221-224.5 only)
CHAPTER 3.	OTHER POWERS AND DUTIES	(482 only)
 DIVISION 2. LOCAL ADMINISTRATION		
CHAPTER 1.	COUNTY DEPARTMENT OF AGRICULTURE	(2001-2003)
CHAPTER 2.	COUNTY AGRICULTURAL COMMISSIONERS AND THEIR EMPLOYEES	
Article 1.	Qualifications	(2101-2107)
Article 2.	Appointment and Employment	(2121-2129)
Article 3.	Vacancies	(2151-2154)
Article 4.	Removal	(2181-2187)
Article 5.	Compensation	(2201-2206)
Article 8.	Powers and Duties	(2271-2287)
 DIVISION 4. PLANT QUARANTINE AND PEST CONTROL		
PART 1. GENERALLY		
CHAPTER 9.	SPECIFIC PEST CONTROL AND ABATEMENT PROVISIONS	
Article 6.5	Vector Pest Control Research	(6025.4 only)

Table of Contents

		<u>Section(s)</u>
DIVISION 6. PEST CONTROL OPERATIONS		
CHAPTER 1.	DEPARTMENT OF PESTICIDE REGULATION	
Article 1.	Definitions	(11401-11411)
Article 2.	Organization	(11451-11460)
Article 3.	Department of Pesticide Regulation Fund	(11471-11477)
Article 4.	Refunds	(11480-11485)
CHAPTER 2.	GENERAL PROVISIONS	(11501-11518)
CHAPTER 3.	EXEMPTIONS	(11531)
CHAPTER 4.	PEST CONTROL	
Article 1.	Licenses and Permits	(11701-11711)
Article 2.	Registration	(11731-11741)
Article 3.	Report of Damage From Pesticides	(11761-11765)
Article 4.	Violations	(11791-11792)
Article 5.	Penalties and Injunctive Relief	(11891-11895.5)
Article 6.	Cease and Desist	(11896-11897)
CHAPTER 5.	AIRCRAFT OPERATION REGULATION	
Article 1.	Generally	(11901-11911)
Article 1.5	Registration	(11920-11924)
Article 2.	Financial Responsibility	(11931-11940)
CHAPTER 6.	AGRICULTURAL PEST CONTROL ADVISERS	
Article 1.	General Provisions	(12001-12005)
Article 2.	Licensing	(12021-12024)
Article 3.	Registration	(12031-12035)
Article 4.	Agricultural Pest Control Advisory Committee	(12041-12047)
Article 5.	Violations	(12051-12054)
CHAPTER 7.	PEST CONTROL DEALER	
Article 1.	General Provisions	(12101-12116)
Article 2.	Violations	(12121)
CHAPTER 8.	QUALIFIED APPLICATOR LICENSE	(12201-12206)
CHAPTER 9.	PESTICIDE DEALER DESIGNATED AGENT	(12251-12258)
CHAPTER 10.	PESTICIDE BROKERS	(12400-12408)

Table of Contents

		<u>Section(s)</u>
Excerpts from:		
DIVISION 7. AGRICULTURAL CHEMICALS, LIVESTOCK REMEDIES, AND COMMERCIAL FEEDS		
CHAPTER 1	DEFINITIONS	(12500-12500.6)
CHAPTER 1.5	PRODUCE CARRYING PESTICIDE RESIDUE	
Article 1.	Definitions	(12501-12505)
Article 2.	General Provisions	(12531-12536)
Article 3.	Permissible Tolerances	(12561-12565)
Article 4.	Inspection	(12581-12582)
Article 4.5	Commercial Laboratories	(12591-12595)
Article 5.	Seizure	(12601-12615)
Article 6.	Abatement as Public Nuisance	(12641-12649)
Article 7.	Violations	(12671-12674)
CHAPTER 2.	PESTICIDES	
Article 1.	Definitions	(12751-12759)
Article 2.	General Provisions	(12781-12784)
Article 2.5	Agricultural Pest Control Research	(12786-12798.6)
Article 3.	Exemptions	(12801-12804)
Article 4.	Registration	(12811-12838)
Article 4.5	Assessments	(12841-12847)
Article 5.	Labeling and Warranty	(12851-12859)
Article 6.	Misbranding	(12881-12885)
Article 7.	Adulteration	(12911)
Article 8.	Analysis	(12931)
Article 9.	Seizure	(12961)
Article 10.	Recommendations and Usage	(12971-12979)
Article 10.5	Pesticides and Worker Safety	(12980-12988)
Article 11.	Violations	(12991-12995)
Article 12.	Penalties and Injunctive Relief	(12996-13000.1)
Article 13.	Cease and Desist	(13101-13102)
Article 14.	Birth Defect Prevention	(13121-13135)
Article 15.	The Pesticide Contamination Prevention Act	(13141-13152)
Article 16.	The Interim Data Gap Exemption for Qualified Federally Registered Pesticides	(13161-13170)
Article 17.	Health Schools Act of 2000	(13180-13188)
Article 18.	Contamination of Compost	(13190-13192)

Table of Contents

	<u>Section(s)</u>
Excerpts from:	
DIVISION 7. AGRICULTURAL CHEMICALS, LIVESTOCK REMEDIES, AND COMMERCIAL FEEDS continued	
CHAPTER 3. RESTRICTED MATERIALS	
Article 1. Generally	(14001-14015)
Article 1.5 Pesticides	(14021-14027)
Article 2. 2,4-D and Other Herbicides	(14031-14034)
Article 3. Compound 1080	(14061-14063)
Article 4. Methyl Bromide and Chloropicrin	(14081-14082)
CHAPTER 3.4 PRIVATE APPLICATOR CERTIFICATION	(14090-14099.5)
CHAPTER 3.5 ENVIRONMENTALLY HARMFUL MATERIAL	
Article 1. Definitions	(14101)
Article 2. General Provisions	(14102-14103)
CHAPTER 3.6 QUALIFIED APPLICATOR CERTIFICATES	(14151-14155)
CHAPTER 3.7 CARBON MONOXIDE PEST CONTROL DEVICES	(14160-14161)
CHAPTER 7. STRUCTURAL PEST CONTROL	(15201-15206.6)
CHAPTER 7.5 STRUCTURAL PEST CONTROL DEVICES	
Article 1. Definitions	(15300)
Article 2. General Provisions	(15301-15303)
Article 3. Device Registration	(15305-15320)
Article 4. Labeling and Warranty	(15325-15327)
Article 5. Seizure	(15330)
Article 6. Device Usage	(15331)
Article 7. Violations	(15340)

Table of Contents

	<u>Section(s)</u>
Excerpts from:	
DIVISION 13.	BEE MANAGEMENT AND HONEY PRODUCTION
CHAPTER 1.	BEEES
Article 1.	General Provisions (29000-29013)
Article 2.	Apiary Board (29020-29028)
Article 3.	Apiary Assessments (29030.5-29032)
Article 4.	Registration and Identification of Apiaries (29040-29056)
Article 5.	Intrastate Movement (29070-29074)
Article 6.	Notification Regions (29080-29082)
Article 7.	Use of Pesticides (29100-29103)
Article 15.	Enforcement and Penalties (29300-29313)
Article 16.	Africanized Honey Bees (29321-29322 only)

This page intentionally left blank



FOOD AND AGRICULTURAL CODE

Excerpts from Division 1. State Administration;

Excerpts from Division 2. Local Administration;

Excerpt from Division 4. Plant Quarantine and Pest Control;

Division 6. Pest Control Operations;

Excerpts from Division 7. Agricultural Chemicals, Livestock Remedies
and Commercial Feeds;

Excerpts from Division 13. Bee Management and Honey Production.

Disclaimer:

This document is provided by the California Department of Pesticide Regulation (DPR) as a courtesy to County Agricultural Commissioner (CAC) staff and others.

It includes sections of the California Food and Agricultural Code (FAC) dealing with state/county administration; vertebrate pest control; pest control operations; agricultural chemicals, and bee management. This document reproduces the statutes of the official publication released by the California Legislative Counsel, then incorporates the pertinent Governor's Reorganization Plan No. 1 of 1991 amendments.

The Pesticide Use Enforcement Program Standards Compendium is an information tool and is not meant to replace or represent any official record or source. If absolute accuracy is needed, refer to the FAC codified statutes on the California Legislative Information website under the "California Law" tab: <https://leginfo.legislature.ca.gov/faces/home.xhtml> in conjunction with West's Annotated California Codes publication of the Food and Agricultural Code. Note: not all department name or program responsibilities assignments changes have been updated in codified statutes.

You may find copies of West's annotated California Codes at a local library, or from local county counsel. Contact Thomson Reuters about West's and Westlaw products at 1-888-728-7677; at the Thomson-Reuters online store: <https://store.legal.thomsonreuters.com/law-products/Statutes/Westsreg-Annotated-California-Codes-Annotated-Statute--Code-Series/p/100028444> ; or inquire by Email at the Thomson Reuters contact site: <https://legal.thomsonreuters.com/en/contact-sales>

This page intentionally left blank

12978. Pesticide applications on specified public property; posting of warning signs in English and Spanish; application of section

Pesticide applications on public property which take place on school grounds, parks, or other public rights-of-way where public exposure is foreseeable shall be posted with warning signs. The signs shall be in English and Spanish and shall contain a warning that the area has been treated with a pesticide and that individuals are not to enter the area.

(a) This section shall apply to all pesticide applications which have worker reentry intervals of at least 24 hours.

(b) Posting shall be accomplished immediately prior to pesticide applications, and the signs shall be removed within 24 hours after the expiration of the reentry interval.

(c) Signs shall be posted at regular intervals and at all regular points of public entry.

(d) The agency with responsibility for the property where the pesticide application is to take place shall post the warnings required by this section.

(e) The responsible agency may substitute a barrier for the warning signs to exclude public exposure to a treated area.

(f) This section does not apply to pesticide applications by the Department of Transportation on public highway rights-of-way.

(Added by Stats. 1985, Ch. 840, Section 1.)

12978.7. Pesticides containing specific anticoagulants; use prohibited in wildlife habitat area; exceptions

(a) For purposes of this section, the following terms have the following meanings:

(1) "Second generation anticoagulant rodenticide" means any pesticide product containing any of the following active ingredients:

(A) Brodifacoum.

(B) Bromadiolone.

(C) Difenacoum.

(D) Difethialone.

(2) "Wildlife habitat area" means any state park, state wildlife refuge, or state conservancy.

(b) Except as provided in subdivision (e), and notwithstanding subdivision (c), the use of any second generation anticoagulant rodenticide is prohibited in a wildlife habitat area.

(c) Except as provided in subdivision (e) or (f), the use of any second generation anticoagulant rodenticide is prohibited in this state until the director makes the certification described in subdivision (g).

(d) State agencies are directed to encourage federal agencies to comply with subdivisions (b) and (c).

12978.7. continued

(e) This section does not apply to any of the following:

(1) The use of second generation anticoagulant rodenticides by any governmental agency employee who complies with Section 106925 of the Health and Safety Code, who uses second generation anticoagulant rodenticides for public health activities.

(2) The use of second generation anticoagulant rodenticides otherwise prohibited by this section when used by any governmental agency employee for the purposes of protecting water supply infrastructure and facilities in a manner that is consistent with all otherwise applicable federal and state laws and regulations.

(3) The use of second generation anticoagulant rodenticides by a mosquito or vector control district formed under Chapter 1 (commencing with Section 2000) of Division 3 or Chapter 8 (commencing with Section 2800) of Division 3 of the Health and Safety Code to protect the public health.

(4) The use of any second generation anticoagulant rodenticides for the eradication of nonnative invasive species inhabiting or found to be present on offshore islands in a manner that is consistent with all otherwise applicable federal and state laws and regulations.

(5) The use of any second generation anticoagulant rodenticide that the Department of Fish and Wildlife determines is required to control or eradicate an invasive rodent population for the protection of threatened or endangered species or their habitats.

(6) The use of any second generation anticoagulant rodenticide to control an actual or potential rodent infestation associated with a public health need, as determined by a supporting declaration from the State Public Health Officer or a local public health officer. For purposes of this section, a public health need is an urgent, nonroutine situation posing a significant risk to human health in which it is documented that other rodent control alternatives, including nonchemical alternatives, are inadequate to control the rodent infestation.

(7) The use of any second generation anticoagulant rodenticide for research purposes related to the reevaluation described in paragraph (1) of subdivision (g). Before using a second generation anticoagulant in the manner described in this paragraph, a written authorization for research shall be obtained from the director. The director may specify the conditions in the authorization for research under which the research shall be conducted. The director may terminate, amend, or refuse to issue an authorization for research if the director determines any of the following:

(A) The research may involve a hazard to the environment.

(B) The research may be used for purposes unrelated to pesticide data development.

(C) A violation of the authorization for research, prior authorization for research, or Division 6 (commencing with Section 11401) or this division, or a regulation adopted pursuant to either or both of those divisions, has occurred in connection with the research.

12978.7. continued

(f) (1) This section does not apply to the use of second generation anticoagulant rodenticides in either of the following locations:

(A) A medical waste generator, as defined in Section 117705 of the Health and Safety Code.

(B) A facility registered annually and subject to inspection under Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 360 et seq.) and compliant with the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et seq.).

(2) This section does not apply to the use of second generation anticoagulant rodenticides for agricultural activities, as defined in Section 564.

(3) For purposes of paragraph (2), “agricultural activities” include activities conducted in any of the following locations:

(A) A warehouse used to store foods for human or animal consumption.

(B) An agricultural food production site, including, but not limited to, a slaughterhouse or cannery.

(C) A factory, brewery, or winery.

(D) An agricultural production site housing water storage and conveyance facilities.

(E) An agricultural production site housing rights-of-way and other transportation infrastructure.

(g) After the director determines that both of the following conditions have occurred, the director shall certify to the Secretary of State of that determination:

(1) The department has completed the reevaluation of second generation anticoagulant rodenticides, as commenced by the department on March 12, 2019, pursuant to California Notice 2019-03 “(Notice of Final Decision to Begin Reevaluation of Second Generation Anticoagulant Rodenticides).”

(2) Consistent with the requirements of this division and regulations adopted pursuant to this division, the department has adopted any additional restrictions necessary to ensure that continued use of second generation anticoagulant rodenticides is not reasonably expected to result in significant adverse effects to nontarget wildlife and those restrictions are operative. Any restrictions described in this paragraph shall be developed in consultation with the Department of Fish and Wildlife.

(Amended by Stats. 2021, Ch. 479, Section 1. (AB 1298) Effective January 1, 2022.)

12979. Pesticide use report; use of data

A pesticide use report shall be submitted to the commissioner or director on a form and in a manner prescribed by the director. The data from the pesticide use reports shall be considered in setting priorities for food monitoring, pesticide use enforcement, farm worker safety programs, environmental monitoring, pest control research, public health monitoring and research, and similar activities by the department, or by the department in cooperation with other state, regional, or local agencies with appropriate authority.

(Added by Stats. 1989, Ch. 1200, Section 7. Effective October 1, 1989.)

Article 10.5 Pesticides and Worker Safety
Sections 12980-12988

12980. Legislative findings and declaration

The Legislature hereby finds and declares that it is necessary and desirable to provide for the safe use of pesticides and for safe working conditions for farmworkers, pest control applicators, and other persons handling, storing, or applying pesticides, or working in and about pesticide-treated areas.

The Legislature further finds and declares that the development of regulations relating to pesticides and worker safety should be the joint and mutual responsibility of the Department of Pesticide Regulation and the Office of Environmental Health Hazard Assessment.

The Legislature further finds and declares that in carrying out the provisions of this article, the University of California, the Department of Industrial Relations, and any other similar institution or agency should be consulted.

(Amended by Gov. Reorg. Plan No. 1 of 1991, Section 45. Effective July 17, 1991.)

12981. Regulations; scope

The director shall adopt regulations to carry out the provisions of this article. The regulations shall include, but are not limited to, all of the following subjects:

(a) Restricting worker reentry into areas treated with pesticides determined by the director to be hazardous to worker safety by using either or both of the following:

(1) Time limits.

(2) Pesticide residue levels on treated plant parts determined by scientific analysis to not be a significant factor in cholinesterase depression or other health effects.

When the director has adopted regulations pursuant to both paragraphs (1) and (2), the person in control of the area treated with the pesticide shall have the option of following regulations adopted pursuant to either paragraph (1) or (2). If the person in control of the area treated with the pesticide chooses to follow regulations adopted pursuant to paragraph (2), the director may establish and charge the person a fee necessary to cover any costs of analysis or costs incurred by the director or commissioner in carrying out regulations adopted pursuant to paragraph (2). The regulations shall include a procedure for the collection of the fee, and the fee shall not exceed actual cost.

(b) Handling of pesticides.

(c) Hand washing facilities.

(d) Farm storage and commercial warehousing of pesticides.

(e) Protective devices, including, but not limited to, respirators and eyeglasses.

(f) Posting, in English and Spanish, of fields, areas, adjacent areas or fields, or storage areas.

The Office of Environmental Health Hazard Assessment shall participate in the development of any regulations adopted pursuant to this article. Those regulations that relate to health effects shall be based upon the recommendations of the office. The original written recommendations of the office, any subsequent revisions of those recommendations, and the supporting evidence and data upon which the recommendations were based shall be made available upon request to any person.

(Amended by Gov. Reorg. Plan No. 1 of 1991, Section 46. Effective July 17, 1991.)

13131.5. Active ingredients in pesticides; failure to respond or provide evidence;
registration suspension

The director shall suspend the registration of any pesticide containing an active ingredient for which the director notifies a registrant pursuant to Section 13131.1 and for which the registrant or data generator, in the judgment of the director, fails to respond appropriately or fails to provide evidence that it is taking appropriate steps to secure the data that are required pursuant to Section 13131.1 or the final notice of data gaps pursuant to Section 13131.4.

(Added by Stats. 1992, Ch. 764, Section 1. (AB 3395) Effective January 1, 1993.)

13133. Severability

If any provision of this article or the application thereof to any person or circumstances is held invalid, this invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

(Section 13132 renumbered by Stats. 1992, Ch. 427, Section 43. (AB 3355))

Effective January 1, 1993.)

13134. Assessment of dietary risks associated with consumption of foods treated with pesticides;
failure to submit data; suspension of license; action on finding use deleterious to health

(a) The department, in cooperation with the State Department of Health Services, shall conduct an assessment of dietary risks associated with the consumption of produce and processed foods treated with pesticides. This assessment shall integrate adequate data on acute effects and the mandatory health effects studies specified in subdivision (c) of Section 13123, appropriate dietary consumption estimates, and relevant residue data based on the department's and the State Department of Health Services' monitoring data and appropriate field experimental and food technology information to quantify consumer risk. Differences in age, sex, ethnic, and regional consumption patterns shall be considered. The department shall submit each risk assessment to the State Department of Health Services, with necessary supporting documentation, for peer review, which shall consider the adequacy of public health protection. The State Department of Health Services may provide comments to the department. The department shall formally respond to all of the comments made by the State Department of Health Services. The department shall modify the risk assessment to incorporate the comments as deemed appropriate by the director. All correspondence between the department and the State Department of Health Services in this matter shall be made available to any person, upon request, pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(b) The department shall consider those pesticides designated for priority food monitoring pursuant to Section 12535 and the results of the department's or the State Department of Health Services' monitoring in establishing priorities for the dietary risk assessments.

13134. continued

(c)(1) If the department lacks adequate data on the acute effects of pesticide active ingredients or mandatory health effects studies specified in subdivision (c) of Section 13123 necessary to accurately estimate dietary risk, the department shall require the appropriate data to be submitted by the registrant of products whose labels include food uses. This subdivision shall not be construed to affect the timeframes established pursuant to Section 13127.

(2) No applicant for registration, or current registrant, of a pesticide who proposes to purchase or purchases a registered pesticide from another producer in order to formulate the purchased pesticide into an end use product shall be required to submit or cite data pursuant to this section or offer to pay reasonable compensation for the use of any such data if the producer is engaged in fulfilling the data requirements of this section.

(d)(1) If a registrant fails to submit the data requested by the director pursuant to this section within the time specified by the director, the director shall issue a notice of intent to suspend the registration of that pesticide. The director may include in the notice of intent to suspend any provisions that are deemed appropriate concerning the continued sale and use of existing stocks of that pesticide. Any proposed suspension shall become final and effective 30 days from the receipt by the registrant of the notice of intent to suspend, unless during that time a request for hearing is made by a person adversely affected by the notice or the registrant has satisfied the director that the registrant has complied fully with the requirements that served as a basis for the notice of intent to suspend. If a hearing is requested, a hearing shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The only matter for resolution at the hearing shall be whether the registrant has failed to take the action that served as the basis for the notice of intent to suspend the registration of the pesticide for which additional data is required and whether the director's determination with respect to the disposition of existing stocks is consistent with this subdivision.

(2) A hearing shall be held and a determination made within 75 days after receipt of a request for a hearing. The decision rendered after completion of the hearing shall be final. Any registration suspended shall be reinstated by the director if the director determines that the registrant has complied fully with the requirements that served as a basis for the suspension of the registration.

(e) If the department finds that any pesticide use represents a dietary risk that is deleterious to the health of humans, the department shall prohibit or take action to modify that use or modify the tolerance pursuant to Section 12561, or both, as necessary to protect the public. (Section 13131 renumbered by Stats. 1993, Ch. 40, Section 1. (AB 613) Effective January 1, 1994. Superseded on January 1, 2023, see amendment by Stats. 2021, Ch. 615.)

13134. Assessment of dietary risks associated with consumption of foods treated with pesticides; failure to submit data; suspension of license; action on finding use deleterious to health

(a) The department, in cooperation with the State Department of Health Services, shall conduct an assessment of dietary risks associated with the consumption of produce and processed foods treated with pesticides. This assessment shall integrate adequate data on acute effects and the mandatory health effects studies specified in subdivision (c) of Section 13123, appropriate dietary consumption estimates, and relevant residue data based on the department's and the State Department of Health Services' monitoring data and appropriate field experimental and food technology information to quantify consumer risk. Differences in age, sex, ethnic, and regional consumption patterns shall be considered. The department shall submit each risk assessment to the State Department of Health Services, with necessary supporting documentation, for peer review, which shall consider the adequacy of public health protection. The State Department of Health Services may provide comments to the department. The department shall formally respond to all of the comments made by the State Department of Health Services. The department shall modify the risk assessment to incorporate the comments as deemed appropriate by the director. All correspondence between the department and the State Department of Health Services in this matter shall be made available to any person, upon request, pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(b) The department shall consider those pesticides designated for priority food monitoring pursuant to Section 12535 and the results of the department's or the State Department of Health Services' monitoring in establishing priorities for the dietary risk assessments.

(c)(1) If the department lacks adequate data on the acute effects of pesticide active ingredients or mandatory health effects studies specified in subdivision (c) of Section 13123 necessary to accurately estimate dietary risk, the department shall require the appropriate data to be submitted by the registrant of products whose labels include food uses. This subdivision shall not be construed to affect the timeframes established pursuant to Section 13127.

(2) No applicant for registration, or current registrant, of a pesticide who proposes to purchase or purchases a registered pesticide from another producer in order to formulate the purchased pesticide into an end use product shall be required to submit or cite data pursuant to this section or offer to pay reasonable compensation for the use of that type of data if the producer is engaged in fulfilling the data requirements of this section.

13134. continued

(d)(1) If a registrant fails to submit the data requested by the director pursuant to this section within the time specified by the director, the director shall issue a notice of intent to suspend the registration of that pesticide. The director may include in the notice of intent to suspend any provisions that are deemed appropriate concerning the continued sale and use of existing stocks of that pesticide. Any proposed suspension shall become final and effective 30 days from the receipt by the registrant of the notice of intent to suspend, unless during that time a request for hearing is made by a person adversely affected by the notice or the registrant has satisfied the director that the registrant has complied fully with the requirements that served as a basis for the notice of intent to suspend. If a hearing is requested, a hearing shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The only matter for resolution at the hearing shall be whether the registrant has failed to take the action that served as the basis for the notice of intent to suspend the registration of the pesticide for which additional data is required and whether the director's determination with respect to the disposition of existing stocks is consistent with this subdivision.

(2) A hearing shall be held and a determination made within 75 days after receipt of a request for a hearing. The decision rendered after completion of the hearing shall be final. Any registration suspended shall be reinstated by the director if the director determines that the registrant has complied fully with the requirements that served as a basis for the suspension of the registration.

(e) If the department finds that any pesticide use represents a dietary risk that is deleterious to the health of humans, the department shall prohibit or take action to modify that use or modify the tolerance pursuant to Section 12561, or both, as necessary to protect the public. (Amended by Stats. 2021, Ch. 615, Sec. 121. (AB 474) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 463 of Stats. 2021, Ch. 615.)

13135. Joint review of existing federal and state pesticide registration and food safety system; evaluation report and recommendations for modifications

The department and the Office of Health Hazard Assessment shall jointly review the existing federal and state pesticide registration and food safety system and determine if the existing programs adequately protect infants and children from dietary exposure to pesticide residues. The review shall commence as early as possible in 1990, so that any policy or administrative adjustments determined to be necessary as a result of the joint review can be made on a timely basis. The department shall consult with the University of California and other qualified public and private entities in conducting the joint review. The joint review shall continue for a sufficient time in order to evaluate the report of infant exposure to pesticide residues, which is presently being undertaken by the National Academy of Sciences. Within six months of the official release of the National Academy of Sciences' study, the department shall finalize a report describing the evaluation that was conducted pursuant to this section, including any recommendations for modification of the existing regulatory system in order to adequately protect infants and children. (Amended by Stats. 2001, Ch. 745, Section 62. (SB 1191). Effective October 12, 2001.)

This page intentionally left blank

Article 15. The Pesticide Contamination Prevention Act
Sections 13141-13152

13141. Legislative findings and declarations

The Legislature finds and declares all of the following:

(a) It is the right of every citizen in this state to drink safe, potable, wholesome, and pure drinking water.

(b) The health and economic prosperity of rural communities and individual farm families in the state are threatened by contaminated drinking water supplies because of their proximity to the use of pesticides.

(c) Pesticide contaminants and other organic chemicals are being found at an ever increasing rate in underground drinking water supplies.

(d) The United States Environmental Protection Agency has concluded that evidence of relatively localized levels of pesticide pollution should be treated as a warning of more widespread, future contamination.

(e) Groundwater once polluted cannot be easily cleaned up; thus, there is a considerable potential that groundwater pollution will continue long after actions have been taken to restrict application of the pesticide to land.

(f) Due to the potential widespread exposure to public drinking water supplies from pesticide applications to the land and the resultant risk to public health and welfare, the potential for pollution of groundwater due to pesticide use must be considered in the registration, renewal, and reregistration process.

(g) It is the purpose of this article to prevent further pesticide pollution of the groundwater aquifers of this state which may be used for drinking water supplies.

(Added by Stats. 1985, Ch. 1298, Section 1.)

14010. Sales; necessity of user's permit

It is unlawful for any person to sell or deliver any restricted material to any person that is required by regulations adopted by the director to have a permit to possess or use the restricted material unless the permittee, or the permittee's agent to whom delivery is made, provides to the seller or the person delivering the restricted material a copy of a permit which authorizes possession or use of the kind and quantity of the restricted material on the date the restricted material is delivered.

(Amended by Stats. 1987, Ch. 507, Section 1.)

14011. Application of materials

It is unlawful for any person to apply any restricted material for which regulations have been adopted except as provided in the regulations which are adopted by the director.

(Amended by Stats. 1971, Ch. 1276, Section 18, page 2503.)

14011.5. Pesticide use report

Except as may be provided in regulations adopted by the director, a pesticide use report shall be submitted to the commissioner, on a form prescribed by the director, within seven days after each use of a restricted material.

(Added by Stats. 1980, Ch. 926, Section 2, page 2946. Effective September 18, 1980.)

14012. Record of sales; pesticide use report

a) Any person who is required to register pesticides under Article 4 (commencing with Section 12811) of Chapter 2, and who sells or transfers any restricted material, shall keep accurate records of the amount and type of material involved in every sale or transfer of any restricted material. The records shall be open during ordinary business hours to the inspection of the director.

(b) Each commissioner shall submit to the director a copy of each pesticide use report received pursuant to Section 14011.5, and any other relevant information the director may require. Copies of the reports from the commissioners shall be rendered to the director within one calendar month after they are received.

The contents of these reports shall be summarized quarterly by the director as to the type of material and amounts, and the summaries shall be made a public record. The director may publish or distribute the summaries.

(Amended by Stats. 1996, Ch. 361, Section 94. (AB 124) Effective January 1, 1997.)

14015. Possession or use; restrictions; applicators

Except as provided by regulation adopted by the director, a restricted material shall only be possessed or used by, or under the direct supervision of, a private applicator, who is certified pursuant to Section 14093, or a certified commercial applicator, as defined by Section 6000 of Title 3 of the California Code of Regulations.

(Added by Stats. 1995, Ch. 705, Section 2. (SB 800) Effective January 1, 1996.)

Article 1.5. Pesticides
Sections 14021-14027

14021. Definitions

(a) As used in this article, "pesticide" is defined in Section 12753.

(b) For purposes of this article, "toxic air contaminant" means an air pollutant that may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health. Pesticides that have been identified as hazardous air pollutants pursuant to Section 7412 of Title 42 of the United States Code shall be identified by the director as toxic air contaminants.

(Amended by Stats. 1996, Ch. 361, Section 95. (AB 124) Effective January 1, 1997.)

14022. Emitting pesticides; health effects; evaluation

(a) In consultation with the Office of Environmental Health Hazard Assessment and the State Air Resources Board, the director shall evaluate the health effects of pesticides that may be or are emitted into the ambient air of California and that may be determined to be a toxic air contaminant that poses a present or potential hazard to human health. Upon request of the State Air Resources Board, the director shall include a pesticide for evaluation.

(b) The director shall complete the evaluation of a pesticide within 90 days after receiving the scientific data specified in subdivision (c) from the Office of Environmental Health Hazard Assessment and the State Air Resources Board. The director may extend the 90-day deadline for a period not to exceed 30 days if the director transmits to the Assembly Committee on Rules and the Senate Committee on Rules, for transmittal to the appropriate standing, select, or joint committee of the Legislature, a statement of reasons for extension of the deadline.

(c) In conducting this evaluation, the director shall consider all available scientific data, including, but not limited to, relevant data provided by the Office of Environmental Health Hazard Assessment, the Occupational Safety and Health Division of the Department of Industrial Relations, international and federal health agencies, private industry, academic researchers, and public health and environmental organizations. At the request of the director, the State Air Resources Board shall document the level of airborne emissions and the Office of Environmental Health Hazard Assessment shall provide an assessment of related health effects of pesticides that may be determined to pose a present or potential hazard and each agency shall provide technical assistance to the department as it conducts its evaluation.

(d) The director may request, and any person shall provide, information on any substance that is or may be under evaluation and that is manufactured, distributed, or used by the person to whom the request is made, in order to carry out his or her responsibilities pursuant to this chapter. Any person providing information pursuant to this subdivision shall identify, at the request of the director, that portion of the information submitted to the department that is a trade secret and, upon the request of the director, shall provide documentation to support the claim of the trade secret. Information supplied that is a trade secret, as specified in Section 6254.7 of the Government Code, and that is so marked at the time of submission shall not be released to the public by the director, except in accordance with Section 1060 of the Evidence Code and Section 21160 of the Public Resources Code.

14022. continued

(e) The director shall give priority to the evaluation and regulation of substances based on factors related to the risk of harm to public health, amount or potential amount of emissions, manner of usage of the pesticide in California, persistence in the atmosphere, and ambient concentrations in the community.

(Amended by Stats. 2013, Ch. 584, Section 1. (AB 304) Effective January 1, 2014.)

Superseded on January 1, 2023, see amendment by Stats. 2021, Ch. 615.)

14022. Emitting pesticides; health effects; evaluation

(a) In consultation with the Office of Environmental Health Hazard Assessment and the State Air Resources Board, the director shall evaluate the health effects of pesticides that may be or are emitted into the ambient air of California and that may be determined to be a toxic air contaminant that poses a present or potential hazard to human health. Upon request of the State Air Resources Board, the director shall include a pesticide for evaluation.

(b) The director shall complete the evaluation of a pesticide within 90 days after receiving the scientific data specified in subdivision (c) from the Office of Environmental Health Hazard Assessment and the State Air Resources Board. The director may extend the 90-day deadline for a period not to exceed 30 days if the director transmits to the Assembly Committee on Rules and the Senate Committee on Rules, for transmittal to the appropriate standing, select, or joint committee of the Legislature, a statement of reasons for extension of the deadline.

(c) In conducting this evaluation, the director shall consider all available scientific data, including, but not limited to, relevant data provided by the Office of Environmental Health Hazard Assessment, the Occupational Safety and Health Division of the Department of Industrial Relations, international and federal health agencies, private industry, academic researchers, and public health and environmental organizations. At the request of the director, the State Air Resources Board shall document the level of airborne emissions and the Office of Environmental Health Hazard Assessment shall provide an assessment of related health effects of pesticides that may be determined to pose a present or potential hazard and each agency shall provide technical assistance to the department as it conducts its evaluation.

(d) The director may request, and any person shall provide, information on any substance that is or may be under evaluation and that is manufactured, distributed, or used by the person to whom the request is made, in order to carry out the director's responsibilities pursuant to this chapter. Any person providing information pursuant to this subdivision shall identify, at the request of the director, that portion of the information submitted to the department that is a trade secret and, upon the request of the director, shall provide documentation to support the claim of the trade secret. Information supplied that is a trade secret, as specified in Section 7924.510 of the Government Code, and that is so marked at the time of submission shall not be released to the public by the director, except in accordance with Section 1060 of the Evidence Code and Section 21160 of the Public Resources Code.

(e) The director shall give priority to the evaluation and regulation of substances based on factors related to the risk of harm to public health, amount or potential amount of emissions, manner of usage of the pesticide in California, persistence in the atmosphere, and ambient concentrations in the community.

(Amended by Stats. 2021, Ch. 615, Section 122. (AB 474) Effective January 1, 2022.

Operative January 1, 2023, pursuant to Section 463 of Stats. 2021, Ch. 615.)

14023. Report; potential health hazards; contents; review; control measures

(a) Upon completion of the evaluation conducted pursuant to Section 14022, the director shall, in consultation and with the participation of the Office of Environmental Health Hazard Assessment, prepare a report on the health effects of the pesticide that may be determined to be a toxic air contaminant that poses a present or potential hazard to human health due to airborne emission from its use. The report shall assess the availability and quality of data on health effects, including potency, mode of action, and other relevant biological factors, of the substance. The report shall also contain an estimate of the levels of exposure that may cause or contribute to adverse health effects and, in the case where there is no threshold of significant adverse health effects, the range of risk to humans, resulting from current or anticipated exposure. The report shall include the findings of the Office of Environmental Health Hazard Assessment. The report shall be made available to the public, subject to subdivision (d) of Section 14022.

(b) The report prepared pursuant to subdivision (a) shall be formally reviewed by the scientific review panel established according to Section 39670 of the Health and Safety Code. The director shall also make available the data deemed necessary to the scientific review panel, according to departmental procedures established to ensure confidentiality of proprietary information. The panel shall review, as appropriate, the scientific data on which the report is based, the scientific procedures and methods used to support the data, and the conclusions and assessments on which the report is based. The panel shall submit its written findings to the director within 45 days after receiving the report, but it may petition the director for an extension of the deadline, which may not exceed 15 working days.

(c) If the scientific review panel determines that the health effects report is seriously deficient, the report shall be returned to the director who shall revise and resubmit the report, within 30 days following receipt of the panel's determination, to the panel before development of emission control measures.

(d) Within 10 working days following receipt of the findings of the scientific review panel pursuant to subdivision (b), the director shall prepare a hearing notice and a proposed regulation that shall include the proposed determination as to whether a pesticide is a toxic air contaminant. After conducting a public hearing pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the director shall list, by regulation, pesticides determined to be toxic air contaminants.

(e) The director shall determine, in consultation with the Office of Environmental Health Hazard Assessment, the State Air Resources Board, and the air pollution control districts or air quality management districts in the affected counties, the need for and appropriate degree of control measures for each pesticide listed as a toxic air contaminant pursuant to subdivision (d). Any person may submit written information for consideration by the director in making determinations on control measures. The director's written determination and any formal written comments made by the consulting agencies shall be made available to the public.

14023. continued

(f) For each pesticide identified by the director as a toxic air contaminant based on its listing as a hazardous air pollutant pursuant to Section 7412 of Title 42 of the United States Code for which a risk assessment has been completed, the director, in consultation with the Office of Environmental Health Hazard Assessment, the State Air Resources Board, and the air pollution control or air quality management districts in the affected counties, shall determine the need for and appropriate degree of control measures. Any person may submit written information for consideration by the director in making determinations on control measures. The director's written determination and any formal written comments made by the consulting agencies shall be made available to the public.

(Amended by Stats. 2013, Ch. 584, Section 2. (AB 304) Effective January 1, 2014.)

14024. Control measures; adoption; best practicable control techniques

(a) For those pesticides for which a need for control measures has been determined pursuant to subdivision (e) or (f) of Section 14023 and pursuant to provisions of this code, the director, in consultation with the agricultural commissioners, air pollution control districts, and air quality management districts in the affected counties, shall develop control measures designed to reduce emissions sufficiently so that the source will not expose the public to the levels of exposure that may cause or contribute to significant adverse health effects. If no demonstrable safe level or threshold of significant adverse health effects has been established by the director, the control measures shall be designed to adequately prevent an endangerment of public health through the application of best practicable control techniques.

(b) Best practicable control techniques may include, but are not limited to, the following:

- (1) Label amendments.
- (2) Applicator training.
- (3) Restrictions on use patterns or locations.
- (4) Changes in application procedures.
- (5) Reclassification as a restricted material.
- (6) Cancellation.

(c)(1) The director shall follow the consultation procedures set forth in subdivision (a) and, within two years of the determination of the need for control measures pursuant to subdivision (e) or (f) of Section 14023, shall adopt control measures to protect human health.

(2)(A) If the director is unable to adopt control measures to protect human health within two years of the determination of the need for control measures pursuant to paragraph (1), the director shall submit a report to the appropriate committees of the Legislature setting forth the reasons this requirement has not been met.

(B) The director shall update the report submitted to the appropriate committees of the Legislature pursuant to subparagraph (A) every two years until the control measures have been adopted.

(C) If the registration for the use of a particular pesticide is rescinded or if the director determines there has been a dramatic decline in the use of a particular pesticide so that control measures for that particular pesticide are no longer needed, the director shall include this information in the report submitted to the appropriate committees of the Legislature pursuant to subparagraph (A) and the director's obligations pursuant to paragraph (1) shall be deemed to have been met.

14024. continued

(d) For purposes of this section, with respect to any pesticide for which a determination of the need for control measures was made before January 1, 2014, the two-year period described in subdivision (c) shall commence on January 1, 2014.

(e) After conducting a public hearing pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the director shall adopt, by regulation, control measures, including application of the best practicable control techniques enumerated in subdivision (b) or any other best applicable control technique, for those pesticides for which a need has been determined.

(Amended by Stats. 2013, Ch. 584, Section 3. (AB 304) Effective January 1, 2014.)

14025. Petition for review

Any person may petition the department to review a determination made pursuant to this article. The petition shall specify the additional scientific evidence regarding the health effects of a pesticide which was not available at the time the original determination was made and any other evidence which would justify a revised determination.

(Added by Stats. 1983, Ch. 1047, Section 2.)

14026. Pesticides not determined to be contaminants; department's authority

Nothing in this article shall be construed to limit or expand the department's authority regarding pesticides which are not determined to be toxic air contaminants.

(Added by Stats. 1983, Ch. 1047, Section 2.)

14027. Violations; civil penalty

a) Notwithstanding Section 12998, any person who violates any rule or regulation, emission limitation, or permit condition adopted pursuant to this article is liable for a civil penalty not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs. In assessing a civil penalty under this article, the court shall consider the appropriateness of the penalty with respect to the following factors:

- (1) The size of the business of the person being charged.
- (2) The gravity of the violation.
- (3) The good faith of the person being charged.
- (4) The history of previous violations.

Any money recovered under this section shall be paid into the Department of Pesticide Regulation Fund for use by the department in administering this division and Division 6 (commencing with Section 11401).

(b) Liability may be imposed under subdivision (a) only if the department establishes that the violation was caused by an act which was the result of intentional or negligent conduct by the person accused of the violation.

(Amended by Gov. Reorg. Plan No. 1 of 1991, Section 59. Effective July 17, 1991.)

This page intentionally left blank

Article 2. 2,4-D and Other Herbicides
Sections 14031-14034

14031. 2,4-D

As used in this article, "2,4-D" means any form of 2,4-dichlorophenoxyacetic acid.
(Enacted by Stats. 1967, Ch. 15.)

14032. Prohibited use.

Except as otherwise provided in this article and in the regulations which are adopted by the director, it is unlawful for any person to use any form of 2,4-D or any other herbicide which the director finds and determines, after hearing, is injurious to any crop.

(Enacted by Stats. 1967, Ch. 15.)

14033. Regulations for use

The director shall adopt regulations that govern the use of 2,4-D and any other herbicide which he finds and determines is injurious to any crop that is being grown in any area of the state. The regulations of the director may prescribe the time when, and the conditions under which, a restricted herbicide may be used in different areas of the state. They may provide that a restricted herbicide shall be used only under permit of the commissioner or under the direct supervision of the commissioner, subject to any of the following limitations:

(a) In certain areas.

(b) In excess of certain quantities or concentrations.

(Amended by Stats. 2000, Ch. 806, Section 8. (SB 1970) Effective January 1, 2001.)

14034. Liability

This article does not relieve any person from liability for any damage to the property of another person which is caused by the use of any herbicide which is named in the regulations which are adopted by the director.

(Enacted by Stats. 1967, Ch. 15.)

15205. Availability of licensee's records; onsite inspections; advance notice of application; confidentiality; device; wood destroying pest

(a) Each registered structural pest control company shall make all existing records pertaining to pesticide and device use available to the director, the Structural Pest Control Board, or commissioner upon demand at the headquarters of the business during normal business hours. A registered structural pest control company or licensee may not prohibit onsite inspection for compliance with the Business and Professions Code and this division regarding pesticides and structural pest control devices and regulations adopted pursuant thereto. Except as provided in Section 8505.5 of the Business and Professions Code, nothing in this section shall be construed as requiring a registered structural pest control company or licensee to provide advance notice of the date, time, location of the application, type of device or pesticide application, or any other related information unless the information is contained in existing records available to the registered company or licensee, in which case the director, the Structural Pest Control Board, or commissioner may require that this information be produced at the company's place of business.

(b) Information and documents gathered by the director, the Structural Pest Control Board, or the commissioner pursuant to this section that are protected from disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) shall remain confidential while in the director's, the board's, or the commissioner's possession.

(c)(1) "Device," for purposes of this section, means any method, instrument, or contrivance intended to be used to prevent, eliminate, destroy, repel, attract, or mitigate any wood destroying pest, but does not include firearms, pesticides as defined in Section 12753, or equipment used for the application of pesticides when sold separately from a pesticide.

(2) "Wood destroying pest," for purposes of this section, includes, but is not limited to, insects such as wood borers and termites. "Wood destroying pest" does not include wood-decaying fungi, general household pests such as cockroaches, or vertebrate pests such as rats and mice.

(Amended by Stats. 1998, Ch. 651, Section 10. (AB 1134) Effective January 1, 1999. Superseded on January 1, 2023; see amendment by Stats. 2021, Ch. 615.)

15205. Availability of licensee's records; onsite inspections; advance notice of application; confidentiality; device; wood destroying pest

(a) Each registered structural pest control company shall make all existing records pertaining to pesticide and device use available to the director, the Structural Pest Control Board, or commissioner upon demand at the headquarters of the business during normal business hours. A registered structural pest control company or licensee may not prohibit onsite inspection for compliance with the Business and Professions Code and this division regarding pesticides and structural pest control devices and regulations adopted pursuant thereto. Except as provided in Section 8505.5 of the Business and Professions Code, nothing in this section shall be construed as requiring a registered structural pest control company or licensee to provide advance notice of the date, time, location of the application, type of device or pesticide application, or any other related information unless the information is contained in existing records available to the registered company or licensee, in which case the director, the Structural Pest Control Board, or commissioner may require that this information be produced at the company's place of business.

(b) Information and documents gathered by the director, the Structural Pest Control Board, or the commissioner pursuant to this section that are protected from disclosure under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) shall remain confidential while in the director's, the board's, or the commissioner's possession.

(c)(1) "Device," for purposes of this section, means any method, instrument, or contrivance intended to be used to prevent, eliminate, destroy, repel, attract, or mitigate any wood destroying pest, but does not include firearms, pesticides as defined in Section 12753, or equipment used for the application of pesticides when sold separately from a pesticide.

(2) "Wood destroying pest," for purposes of this section, includes, but is not limited to, insects such as wood borers and termites. "Wood destroying pest" does not include wood-decaying fungi, general household pests such as cockroaches, or vertebrate pests such as rats and mice.

(Amended by Stats. 2021, Ch. 615, Section 124. (AB 474) Effective January 1, 2022. Operative January 1, 2023, pursuant to Section 463 of Stats. 2021, Ch. 615.)

15206. Notice of failure to fulfill responsibilities, investigation, appropriate action

If the director receives a notice pursuant to Section 8616.6 of the Business and Professions Code, he or she shall investigate the actions which caused the filing of the notice and take appropriate action as authorized in this code.

(Added by Stats. 1984, Ch. 766, Section 14.)

15206.5. Inapplicability of county commissioner's pest control regulations

Regulations adopted pursuant to Section 11503 are not applicable to this chapter.

(Added by Stats. 1984, Ch. 766, Section 14.)

15206.6. Lists of violations calling for disciplinary actions

The director and the Structural Pest Control Board shall jointly develop and concur in the list of the types of violations that the commissioners shall refer to the board for disciplinary action.

(Added by Stats. 1984, Ch. 766, Section 14.)

Article 1. Definitions
Section 15300

15300. Definitions

For the purposes of this chapter, the following definitions apply:

(a) "Structural pest control device" or "device" means any method, instrument, or contrivance intended to be used to prevent, eliminate, destroy, repel, attract, or mitigate any wood destroying pest, but does not include firearms, pesticides as defined in Section 12753, or equipment used for the application of pesticides when sold separately from a pesticide.

(b) "Wood destroying pest" includes, but is not limited to, insects such as wood borers and termites. "Wood destroying pest" does not include wood-decaying fungi, general household pests such as cockroaches, or vertebrate pests such as rats and mice.

(Added by Stats. 1998, Ch. 651, Section 11. (AB 1134) Effective January 1, 1999.)

Article 2. General Provisions
Sections 15301-15303

15301. Unregistered devices; unlawful to manufacture, advertise, deliver or offer for sale, lease, or possess; exports

(a) On and after July 1, 2001, it is unlawful for any person directly, or through another, to manufacture for sale, advertise, deliver or otherwise provide, offer for sale or lease, sell, lease, possess, or use any device in this state that is not registered pursuant to this chapter, or for which the registration has been suspended or canceled, except as provided in subdivision (b), any other provision of this chapter, regulations adopted by the director, or a notice or order of suspension or cancellation of a device.

(b) For devices in use in California prior to January 1, 2001, the director may grant reasonable extensions of time for the submission or review, or both the submission and review, of data in support of an application for registration. Before the director may grant an extension of time, the applicant shall have made a good faith effort to comply with the requirements of this chapter and shall demonstrate to the satisfaction of the director that circumstances beyond the applicant's control were the primary cause of the delay.

(c) This section does not apply to any device manufactured solely for export outside this state and which is so exported.

(Added by Stats. 1998, Ch. 651, Section 11. (AB 1134) Effective January 1, 1999.)

15302. Director's authority

The director shall regulate structural pest control devices.

(Added by Stats. 1998, Ch. 651, Section 11. (AB 1134) Effective January 1, 1999.)

15303. Regulations

The director may adopt, amend, repeal, and enforce regulations relating to the regulation of devices and the administration of this chapter. When adopting regulations pursuant to this chapter, the director shall consider the safe use of devices and safe working conditions for persons handling, storing, or using devices or working in and about device treated areas.

(Added by Stats. 1998, Ch. 651, Section 11. (AB 1134) Effective January 1, 1999.)

Article 3. Apiary Assessments
Sections 29030.5-29032

29030.5 Additional annual assessment fees; research on Africanized bees

The beekeeper, apiary owner, apiary operator, or the person in possession of an apiary, in addition to the annual assessment fee prescribed by subdivision (a) of Section 29030, shall pay to the director an annual assessment fee of three cents (\$0.03) per colony for the purpose of research on Africanized bees. The fee shall be annually collected until July 1, 1992, and the revenue, notwithstanding Section 13340 of the Government Code, is continuously appropriated for that research.

Subdivision (c) of Section 29030 and Section 29032 does not apply to the disposition of funds authorized by this section.

(Added by Stats. 1987, Ch. 1404, Section 2.)

29031. Due date; notice of nonpayment; penalty fee

The assessment fees shall be payable to the director on July 1 of each year. The director shall send a written notice of the nonpayment of the required assessment fee to any person who fails to pay the assessment fee on that date. If the total amount of the assessment fee is not paid within 31 days after receipt of the written notice from the director, the person shall be required to pay, in addition to his or her regular fee, a penalty fee equal to 10 percent of the amount of the assessment fee prescribed pursuant to Section 29030, plus interest from that date. The interest shall accrue on a daily basis until the amount owed is paid.

(Added by Stats. 1987, Ch. 1404, Section 2.)

29032. Disposition of funds

(a) Any funds collected by the director pursuant to this article shall be deposited in the Department of Food and Agriculture Fund to be used for the control of pests, and research related to the bee industry, as advised by the board and approved by the director, and to carry out Article 2 (commencing with Section 29020).

(b) The director shall pay by contract entered into pursuant to this section, five-eighths of the funds received from apiary assessments to the counties as reimbursement for costs incurred by the commissioner in the administration and enforcement of this chapter. The payment shall be apportioned to the commissioner in relation to each county's expenditure for the administration and enforcement of the chapter. The director, after consulting with the board, shall establish standards of performance for administration and enforcement. The director shall make the payments to each county only if the commissioner acts in compliance with a contract entered into between the director and the commissioner.

(Added by Stats. 1987, Ch. 1404, Section 2.)

Article 4. Registration and Identification of Apiaries
Sections 29040-29056

29040. Annual registration of domestic apiaries

Every person that is the owner or is in possession of an apiary which is located within the state, on the first day of January of each year, shall register the number of colonies in each apiary which is owned by the person and the location of each apiary. Every person required to register under this article, shall do so on the first day of January of each year in which they maintain, possess, or are in possession of an apiary, or within 30 days thereafter, as prescribed in this article.

(Added by Stats. 1987, Ch. 1404, Section 2.)

29041. Confidential information; evidentiary privilege

Notwithstanding the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), any information provided in accordance with this article, Section 29070, or Section 29070.5 shall be held confidential, and shall not be disclosed to any person or governmental agency, other than the department or a county department of agriculture. The information shall also be considered privileged under the provisions of Sections 1040 and 1060 of the Evidence Code, with the exception of the location of apiaries for disclosure to pesticide applicators pursuant to Section 29101.

(Amended by Stats. 2019, Ch. 300, Section 1. (AB 450) Effective January 1, 2020.

Superseded on January 1, 2023; see amendment by Stats. 2021, Ch. 615.)

29041. Confidential information; evidentiary privilege

Notwithstanding the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), any information provided in accordance with this article, Section 29070, or Section 29070.5 shall be held confidential, and shall not be disclosed to any person or governmental agency, other than the department or a county department of agriculture. The information shall also be considered privileged under the provisions of Sections 1040 and 1060 of the Evidence Code, with the exception of the location of apiaries for disclosure to pesticide applicators pursuant to Section 29101.

(Amended by Stats. 2021, Ch. 615, Section 125. (AB 474) Effective January 1, 2022.

Operative January 1, 2023, pursuant to Section 463 of Stats. 2021, Ch. 615.)

29042. Registration of imports and new owners

Every person who moves bees into the state or otherwise comes into possession of an apiary that is located within the state after the first day of January, shall register the name of the owner and the number and location of colonies moved into the state or so acquired within 30 days after coming into possession of the apiary.

(Amended by Stats. 2018, Ch. 320, Section 1. (AB 2468) Effective January 1, 2019.)

29043. Place of registration

Registration of an apiary shall be filed with the commissioner of the county in which the apiary is located, or with the director if there is no commissioner in the county. The director shall adopt a form of registration to be used statewide, which shall include a request for notification of use of pesticide in accordance with Section 29101. All commissioners shall use the same form. (Added by Stats. 1987, Ch. 1404, Section 2.)

29044. Additional annual registration fee to cover cost of apiary registration; fee schedule

Each beekeeper, apiary owner, apiary operator, or person in possession of any apiary, shall pay, in addition to any other fees imposed under this chapter, an annual registration fee of ten dollars (\$10) to the commissioner of the county where the bees reside on January 1, to cover the cost of apiary registration. The director shall by regulation adopt and periodically update a schedule of the fees, which shall include late fees for anyone who fails to register an apiary under Sections 29041 and 29042. The board of supervisors of any county may waive the registration fee for any beekeeper, apiary owner, apiary operator, or person, who is a hobbyist not in the business of beekeeping and who possesses nine or fewer colonies. (Amended by Stats. 1992, Ch. 146, Section 1. (AB 2381) Effective January 1, 1993.)

29045. Maintenance of unregistered apiary; duration of registration

It is unlawful for a person to maintain any apiary that is not registered pursuant to this article. Each registration is valid until January 1 of the following year. (Amended by Stats. 2018, Ch. 320, Section 2. (AB 2468) Effective January 1, 2019.)

29046. Maintaining apiary on premises or private land not owned or leased; apiaries on public land; identification; approval; forfeiture procedure

(a) No person shall maintain an apiary on premises other than that of his or her residence unless the apiary is identified as follows:

(1) By a sign that is prominently displayed on the entrance side of the apiary or stenciled on the hive, that states in dark letters not less than one inch in height on a background of contrasting color, the name of the owner or person responsible for the apiary, his or her address and telephone number, or if he or she has no telephone, a statement to that effect.

(2) If the governing body of the county or city in which the apiary is located has provided by ordinance for the identification of apiaries, in the manner that is prescribed in the ordinance.

(b) No person shall locate or maintain an apiary on private land not owned or leased by the person unless the person has approval from the owner of record, or an authorized agent of the owner of record, and can establish approval upon demand of the secretary or commissioner. The approval shall include the name and phone number of the person granting approval.

(c)(1) No person shall locate or maintain an apiary on any public land without the expressed oral or written approval of the entity that owns, leases, controls, or occupies the land, and can establish this approval upon demand of the secretary or the commissioner. The approval shall include the name and telephone number of the person granting the approval. During the citrus bloom period, as established by the commissioner, including 72 hours before the declaration of the bloom period until 48 hours after the conclusion of the bloom period, the apiary operator shall obtain written permission to place bees on public land, and shall make it available to the secretary or the commissioner upon demand. Any apiary located or maintained on public land without lawful consent is a public nuisance and may be subject to seizure by the secretary or the commissioner.

(2) The secretary or commissioner may commence proceedings in the superior court of the county or city and county in which the seizure is made petitioning the court for judgment forfeiting the apiary. Upon the filing of the petition, the clerk of the court shall fix a time for a hearing and cause notices to be posted for 14 days in at least three public places in the place where the court is held, if the person owning the apiary is unknown, setting forth the substance of the petition and the time and place fixed for its hearing. At that time, the court shall hear and determine the proceeding and upon proof that the apiary was located or maintained on public lands without approval of the entity, may order the apiary forfeited. Any apiary so forfeited shall be sold or destroyed by the secretary or the commissioner. The proceeds from all sales shall be used in accordance with Section 29032.

(Amended by Stats. 2018, Ch. 320, Section 3. (AB 2468) Effective January 1, 2019.)

This page intentionally left blank

29047. Actions to recover damages from pest control operations; prerequisites

Any person who owns or is in possession of an apiary may bring an action to recover damages for any injury to the apiary by reason of any pest control operation if the person has complied with Sections 29043, 29046, 29070, and 29070.5, and with regulations adopted by the secretary providing for the protection of bees under Sections 11502, 14005, and 29080 when these requirements apply to the property where the alleged damage has occurred.

(Amended by Stats. 2019, Ch. 300, Section 2. (AB 450) Effective January 1, 2020.)

29048. Loss to pesticide applicator; action for damages

Any pesticide applicator who experiences any loss because of a beekeeper's failure to request notification of a pesticide application pursuant to Section 29101, or pursuant to any department rule or regulation, or who experiences any loss because of a beekeeper's failure to register bees pursuant to Section 29041 or 29042, may bring an action for the recovery of damages against that beekeeper.

(Amended by Stats. 2019, Ch. 300, Section 3. (AB 450) Effective January 1, 2020.)

29049. Serial number brand; application

The owner of any apiary equipment may apply to the director for a serial number brand for use on apiary equipment which he or she owns. The application shall contain the name and address of the applicant and shall be accompanied by a fee, as established and periodically updated, by the director by regulation.

(Added by Stats. 1987, Ch. 1404, Section 2.)

29050. Serial number brand; registration; numbers

Upon receipt of the application and fee, the director shall register a serial number brand to the applicant. The serial number shall include a county number followed by an individual number. The county number shall be and remain the same as the number of the class of the county in the classification which was adopted by the Legislature in 1931. As to counties with classification numbers 1 to 9, inclusive, the county number shall be preceded by a dash (—). The county number shall be followed by a dash (—) and the individual number.

(Added by Stats. 1987, Ch. 1404, Section 2.)

29051. Branding

If a serial number brand is used on wooden equipment, it shall be burned into the wood in numbers which are at least one-half inch in height. Hive bodies shall be branded on the upper left-hand corner. Frames shall be branded or stenciled on top bars. Other wooden equipment may be branded in any manner desired.

(Added by Stats. 1987, Ch. 1404, Section 2.)

29052. Serial number brand; transfer

Serial number brands are transferrable.

(Added by Stats. 1987, Ch. 1404, Section 2.)