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Volume 2

**Pesticide
Use
Enforcement
Program
Standards
Compendium**

Regulations

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**California
Code of
Regulations**

Title 3. Food and Agriculture

**Division 6.
Pesticides
and
Pest Control Operations**



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6146. continued

(c) Whenever the manufacturer of, importer of, or dealer in any exempted liquid chemical sterilant has factual or scientific information 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 information to the department within 60 days of learning of the information.

(d) Physicians, surgeons, and local health officers remain subject to the illness reporting requirements of Health and Safety Code Section 105200 with regard to exempted liquid chemical sterilants.

NOTE: Authority cited: Section 12804, Food and Agricultural Code.
Reference: Section 12804, Food and Agricultural Code.

HISTORY:

1. New section filed 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 3-9-98 order, including amendment of subsections (a), (b)(1) and (b)(2) and new subsection (e), transmitted to OAL 7-1-98 and filed 8-12-98 (Register 98, No. 33).

3. Repealer of subsection (e) filed 1-20-2000; operative 2-19-2000 (Register 2000, No. 3).

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)]:

(1) Pheromones and identical or substantially similar compounds labeled for use only in pheromone traps (or labeled for use in a manner which the Director determines poses no greater risk of adverse effects on the environment than use in pheromone traps), and pheromone traps in which those compounds are the sole active ingredient(s), as specified in 40 Code of Federal Regulations 152.25(b).

(2) Preservatives for biological specimens, including:

(A) Embalming fluids;

(B) Products used to preserve animal or animal organ specimens, in mortuaries, laboratories, hospitals, museums and institutions of learning; and

(C) Products used to preserve the integrity of milk, urine, blood, or other body fluids for laboratory analysis.

(3) Products consisting of foods that are used to attract pests and which contain no active ingredient(s).

(4)(A) Natural cedar blocks, chips, shavings, balls, chests, drawer liners, paneling, and needles that meet all of the following criteria:

1. The product consists totally of cedarwood or natural cedar.

2. The product is not treated, combined, or impregnated with any additional substance(s).

6147. continued

(a)(4)(A) continued

3. The product bears claims or directions for use solely to repel arthropods other than ticks or to retard mildew, and no additional claims are made in sale or distribution. The labeling must be limited to specific arthropods, or must exclude ticks if any general term such as "arthropods," "insects," "bugs," or any other broad inclusive term is used.

(B) The exemption does not apply to natural cedar products claiming to repel ticks, including cedar oil or formulated products containing cedar oil, other cedar extracts, or ground cedar wood.

(5)(A) Products containing the following active ingredients alone or in combination with other substances listed in paragraph (5)(A), provided that all the criteria specified in paragraphs (5)(C) and (5)(D) are met:

Castor oil ³	Lemongrass oil ¹
Cedarwood oil ¹	Linseed oil
Cinnamon	Malic acid ¹
Cinnamon oil ¹	Peppermint ²
Citric acid ¹	Peppermint oil ^{1, 2}
Citronella ⁴	2-Phenylethyl propionate ¹
Citronella oil ⁴	Potassium sorbate ¹
Cloves ²	Putrescent whole egg solids
Clove oil ^{1, 2}	Rosemary ²
Corn gluten meal	Rosemary oil ^{1, 2}
Corn oil	Sesame ⁵
Cornmint	Sesame oil
Cornmint oil ¹	Sodium chloride
Cottonseed oil	Sodium lauryl sulfate ^{1, 2}
Dried blood	Soybean oil
Eugenol ^{1, 2}	Spearmint
Garlic	Spearmint oil ¹
Garlic oil ¹	Thyme ²
Geraniol ²	Thyme oil ^{1, 2}
Geranium oil ²	White pepper ¹
Lauryl sulfate ¹	Zinc ⁶

¹ Products containing 8.5% or more of this active ingredient in the formulated product must at a minimum bear the signal word "CAUTION," the phrase "Keep Out of Reach of Children," appropriate precautionary language, and a requirement for appropriate protective eyewear and gloves.

² Products containing this active ingredient intended for topical application to human skin must at a minimum bear the signal word "CAUTION," the phrase "Keep Out of Reach of Children," a dermal sensitization precautionary statement, a prohibition against application to the hands of children, and use directions requiring adult supervision during application to children.

³ United States Pharmacopeia (U.S.P.) or equivalent

⁴ Non-topical uses only.

⁵ Includes ground sesame plant

⁶ Zinc metal strips (consisting solely of zinc metal and impurities)

6147. continued

(a)(5) continued

(B) Topical use products containing less than or equal to 1% of the following active ingredients alone or in combination with each other provided: (i) the product label carries as a minimum the signal word “CAUTION,” the phrase “Keep Out Of Reach of Children,” a dermal sensitization precautionary statement, a prohibition against application to the hands of children, and use directions requiring adult supervision during application to children, and (ii) all the criteria specified in paragraphs (5)(C) and (5)(D) are met:

Citronella

Citronella oil

(C) A pesticide product exempt under paragraphs (5)(A) and (5)(B) of subsection (a) may include as inert ingredients only those substances listed in the U.S. Environmental Protection Agency's Inert Ingredients Permitted in Minimum Risk Pesticide Products (40 CFR 152.25(f)(2)(iv)) (December 28, 2015), hereby incorporated by reference, and commonly consumed food commodities, animal feed items, and edible fats and oils (40 CFR 180.950(a)-(c)) (May 24, 2002), hereby incorporated by reference.

(D) In addition, all of the following conditions must be met for products to be exempted under subsection (a)(5):

1. Each product containing the substance must bear a label identifying the name and percentage (by weight) of each active ingredient as listed in paragraph 5(A). Each product must also list all inert ingredients by the label display name listed on U.S. EPA's Inert Ingredients Permitted in Minimum Risk Pesticide Products (40 CFR 152.25(f)(2)(iv)).

2. The product must not bear claims either to control or mitigate microorganisms that pose a threat to human health, including but not limited to disease transmitting bacteria or viruses, or claims to control insects or rodents carrying specific diseases, including, but not limited to ticks that carry Lyme disease.

3. Company name and contact information.

i. The name of the producer or the company for whom the product was produced must appear on the product label. If the company whose name appears on the label in accordance with this paragraph is not the producer, the company name must be qualified by appropriate wording such as “Packed for [insert name],” “Distributed by [insert name],” or “Sold by [insert name]” to show that the name is not that of the producer.

ii. Contact information for the company specified in accordance with paragraph 5(D)(3)(i) of this section must appear on the product label including the street address plus ZIP code and the telephone number of the location at which the company may be reached.

4. The product must not include any false and misleading labeling statements, including those listed in 40 CFR 156.10(a)(5)(i) through (viii).

(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.

6147. continued

HISTORY:

1. New section filed 4-26-2000; operative 5-26-2000 (Register 2000, No. 17).
2. Change without regulatory effect amending section filed 8-14-2020 pursuant to Section 100, Title 1, California Code of Regulations (Register 2020, No. 33).

6148. Fee for Each Product Submitted for Registration.

(a) Effective October 1, 2015, the fee for each pesticide product submitted for registration is \$1,150. The fee applies to each:

- (1) New pesticide product;
- (2) Additional brand name of a pesticide product; and
- (3) Pesticide product where there is a change in business ownership of the product.

(b) If the Director returns an incomplete application for product registration to the applicant, the applicant has 180 days from the date the Director initially returned the application to resubmit a complete application without payment of a new registration fee. A new registration fee must accompany applications resubmitted after 180 days from the date the Director returned the application.

NOTE: Authority cited: Sections 12781 and 12812, Food and Agricultural Code.
Reference: Section 12812, Food and Agricultural Code.

HISTORY:

1. New section filed 11-3-2003 as an emergency; operative 1-1-2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code Section 12812.
2. Editorial correction of HISTORY 1 (Register 2004, No. 37).
3. Amendment of subsection (a) filed 8-10-2015 as an emergency; operative 10-1-2015 (Register 2015, No. 33). This action is a permanent emergency for which no Certificate of Compliance is needed pursuant to Food and Agricultural Code Section 12812.

6148.5. Fees for Amendments to Registered Pesticide Products.

(a) Effective October 1, 2015, each application to amend the labeling or formulation of a registered pesticide product shall be accompanied by a fee of \$25. This fee does not apply to special local needs labeling.

(b) If the Director returns an incomplete application to amend the labeling or formulation of a registered pesticide product to the applicant, the applicant has 180 days from the date the Director initially returned the application to resubmit a complete application without payment of a new fee. A new fee must accompany applications resubmitted after 180 days from the date the Director returned the application.

NOTE: Authority cited: Sections 12781 and 12812, Food and Agricultural Code.
Reference: Section 12812, Food and Agricultural Code.

HISTORY:

1. New section filed 11-3-2003 as an emergency; operative 1-1-2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code Section 12812.

2. Editorial correction of HISTORY 1 (Register 2004, No. 37).

3. Amendment of section and NOTE filed 8-10-2015 as an emergency; operative 10-1-2015 (Register 2015, No. 33). This action is a permanent emergency for which no Certificate of Compliance is needed pursuant to Food and Agricultural Code Section 12812.

6151. Evaluation Time Frames.

The director shall complete the evaluation of data submitted pursuant to Section 6170 for a pesticide containing any active ingredient not currently registered by the director or for any new major use within 120 days of receipt of all such data, and within 60 days of receipt of such data for all other pesticides. When additional specific data are requested, evaluation of it shall be completed within 30 days of receipt. During the evaluation of data, the director shall determine if the pesticide should be classified as a restricted material pursuant to Section 14004.5 of the Food and Agricultural Code.

NOTE: Authority cited: Sections 12781, 12976, 14004.5 and 14005, Food and Agricultural Code.

Reference: Sections 12824 and 14004.5, Food and Agricultural Code.

HISTORY:

1. Editorial renumbering of former Section 2360(c) to Section 6151 and designation of new Article 1 (Sections 6151-6160, not consecutive) filed 7-19-85 (Register 85, No. 29).

2. Amendment filed 1-18-89; operative 2-17-89 (Register 89, No. 5).

3. Change without regulatory effect amending section and NOTE filed 3-27-97 pursuant to Section 100, Title 1, California Code of Regulations (Register 97, No. 13).

6152. Brands.

(a) A pesticide may be registered under more than one brand name, but the same brand name cannot be registered for products of different chemical composition, or different physical condition sufficient to affect its pesticide properties.

(b) When a registrant submits revised labeling for a currently registered pesticide to the director all changes from the previous labeling shall be clearly specified by the registrant.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code.

Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY:

1. Editorial renumbering of former Section 2362 to Section 6152 filed 7-19-85 (Register 85, No. 29).

2. Repealer of subsection (a) and subsection relettering filed 8-1-96; operative 8-31-96 (Register 96, No. 31).

3. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to Section 100, Title 1, California Code of Regulations (Register 2001, No. 25).

6153. Transfer of Registration.

A certificate of registration cannot be transferred if there is a change of business ownership, but a new application and fee are necessary.

NOTE: Authority cited: Sections 11456, 12781 and 14005, Food and Agricultural Code.

Reference: Sections 12751-12994, Food and Agricultural Code.

HISTORY:

1. Editorial renumbering of former Section 2363 to Section 6153 filed 7-19-85 (Register 85, No. 29).

2. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to Section 100, Title 1, California Code of Regulations (Register 2001, No. 25).

6154. Change of Name.

Change of the name of a registrant may be made without additional fee by submission of the following papers to the director:

- (a) The current certificate of registration;
- (b) A new completed application form; and
- (c) An affidavit of no change of business ownership.

NOTE: Authority cited: Sections 11456, 12781 and 14005, Food and Agricultural Code.

Reference: Sections 12751-12994, Food and Agricultural Code.

HISTORY:

1. Editorial renumbering of former Section 2364 to Section 6154 filed 7-19-85 (Register 85, No. 29).

2. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to Section 100, Title 1, California Code of Regulations (Register 2001, No. 25).

6156. Registration Date.

Registration of a pesticide shall become effective on the date the certificate of registration is issued. Such certificate shall not be issued if the director determines the pesticide is to be classified as a restricted material until the pesticide has been so classified.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code.

Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY:

1. Editorial renumbering of former Section 2360(c) to Section 6156 filed 7-19-85 (Register 85, No. 29).

2. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to Section 100, Title 1, California Code of Regulations (Register 2001, No. 25).

6157. Certification.

(a) Each applicant shall certify, by an authorized official of the registrant, under penalty of perjury that to the best of the applicant's knowledge, based upon all information available to the applicant, all information submitted in connection with the application for registration or renewal is accurate and complete.

(b) If the director finds that the applicant has submitted inaccurate or incomplete information, the director shall initiate action to refuse or cancel the registration pursuant to Section 12825(f) of the Food and Agricultural Code.

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

Reference: Sections 12753, 12758, 12815, 12825, 12827, 12827.5 and 14102, Food and Agricultural Code.

HISTORY:

1. Editorial renumbering of former Section 2360(d) to Section 6157 filed 7-19-85 (Register 85, No. 29).

2. Amendment filed 6-29-87; operative 7-29-87 (Register 87, No. 31).

3. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to Section 100, Title 1, California Code of Regulations (Register 2001, No. 25).

6158. Review and Evaluation.

During the review and evaluation of proposed pesticide labeling and data to support registration, the director shall give special attention to the provisions of Sections 11501, 12824, 12825, 12826, 14102, and 14103 of the Food and Agricultural Code and to each of the following factors, when applicable, in reaching a decision to register or not register the pesticide:

(a) Acute health effects such as oral toxicity, dermal toxicity, inhalation toxicity, acute eye and skin damage potential, or sensitization potential.

(b) Evidence of chronic health effects such as carcinogenicity, teratogenicity, mutagenicity, fetal toxicity, and delayed neurotoxicity.

(c) Potential for environmental damage, including interference with the attainment of applicable environmental standards (e.g., air quality standards and water quality objectives).

(d) Toxicity to aquatic biota or wildlife.

(e) Method of medical management of poisoning or other injuries.

(f) Analytical methods.

(g) The availability of feasible alternatives.

(h) Efficacy.

If any of these factors are anticipated to result in significant adverse impacts which cannot be avoided or adequately mitigated, registration will not be granted unless the director makes a written finding that anticipated benefits of registration clearly outweigh the risks. When deciding whether or not to register a pesticide for which feasible alternatives exist, the director shall consider any substantial adverse environmental impact which would likely occur from a lack of additional pest control options for the specific proposed use.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code.

Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY:

1. Editorial renumbering of former Section 2360(e) to Section 6158 filed 7-19-85 (Register 85, No. 29).

2. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to Section 100, Title 1, California Code of Regulations (Register 2001, No. 25).

6159. Data Requirements.

The director finds that the data required by the United States Environmental Protection Agency (U.S. EPA) regulations governing pesticide registration, reregistration, and classification adopted in Title 40, Code of Federal Regulations pursuant to authority in the Federal Insecticide, Fungicide and Rodenticide Act substantially meet the data requirements of Section 12824 of the Food and Agricultural Code, except as provided in this section and Sections 6158, 6170, 6172, 6176-6179, 6180(a), 6181-6192, 6200, 6210, 6215, and 6222. Information meeting such regulations shall be supplemented as specified in this section and Sections 6158, 6170, 6172, 6176-6179, 6180(a), 6181-6192, 6200, 6210, 6215, and 6222. Data waived by the U.S. EPA shall be submitted to the director except when the director makes a written finding that such data are not required to meet the purposes of Sections 11501, 12824, 12825, 12826, 14102, or 14103 of the Food and Agricultural Code.

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

Reference: Sections 11501, 12824, 12825, 12826, 14102 and 14103, Food and Agricultural Code.

HISTORY:

1. Editorial renumbering of former Section 2369(a)-(c) to Section 6159 filed 7-19-85 (Register 85, No. 29).
2. Amendment filed 1-18-89; operative 2-17-89 (Register 89, No. 5).
3. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to Section 100, Title 1, California Code of Regulations (Register 2001, No. 25).
4. Change without regulatory effect amending section filed 6-5-2002 pursuant to Section 100, Title 1, California Code of Regulations (Register 2002, No. 23).

6160. Operational Protocol for Pesticide Registration and Evaluation Manual. [Repealed]

HISTORY:

1. Editorial renumbering of former Section 2332 to Section 6160 filed 7-19-85 (Register 85, No. 29).
2. Repealer filed 1-18-89; operative 2-17-89 (Register 89, No. 5).
3. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to Section 100, Title 1, California Code of Regulations (Register 2001, No. 25).

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