

FINAL STATEMENT OF REASONS AND PUBLIC REPORT
DEPARTMENT OF PESTICIDE REGULATION

Title 3. California Code of Regulations
Amend Sections 6650, 6651, 6652, 6654, and 6656 and
Renumber to Sections 6980, 6981, 6982, 6983, and 6984
Repeal Section 6655
Pertaining to Protection of Bees

UPDATE OF THE INITIAL STATEMENT OF REASONS

As authorized by Government Code section 11346.9(d), the Department of Pesticide Regulation (DPR) incorporates by reference the Initial Statement of Reasons prepared for this rulemaking. In the text of proposed regulations, DPR proposed to renumber section 6655 to 6985, and make section 6985 inoperative. Section 6655 is now being repealed instead of being made inoperative. With the exception of the repeal of section 6655, no other changes were made to the proposed regulations nor are any changes necessary to the Initial Statement of Reasons following the 45-day public comment period.

The proposed regulatory action was noticed in the *California Regulatory Notice Register* on April 16, 2021. During the 45-day public comment period, DPR received comments on the proposed text. The comments are discussed under the heading “Summary and Response to Comments Received During 45-Day Comment Period” of this Final Statement of Reasons.

DPR has amended and renumbered Title 3, California Code of Regulations (3 CCR) sections 6650, 6651, 6652, 6654, and 6656 to sections 6980, 6981, 6982, 6983, and 6984; and repealed section 6655. In summary, this action updates notification procedures for apiary operators who wish to receive advance notification of pesticide applications and for pesticide applicators who intend to apply pesticides labeled toxic to bees. This action also makes the notification service and fees in the counties of Butte, Glenn, and Tehama inoperative. Additionally, this action updates requirements during the citrus bloom period within a citrus/bee protection area.

PUBLIC HEARING

No public hearing was scheduled or held, and none was requested.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING 45-DAY COMMENT PERIOD

- *Tom Tucker, County of Tulare*

Comment no. 1: It appears that you truly took all sides of the equation into account, applied a little science, and came up with fair regulations. Most was just cleanup language but when you did make a couple substantive changes you considered the need to protect our Apiary industry (pollinators) and the growers that produce food for the nation and the world. A common sense outcome was the result. My thanks and appreciation.

Response: No response needed.

- *Renee Pinel, Western Plant Health Association*

Comment no. 2: Western Plant Health Association (WPH) supports updating the Citrus/Bee Area regulations. Maintaining consistency between California regulations and Federal Pesticide Label language required under the Federal Insecticide, Fungicide, and Rodenticide Act is important for maintaining a clear understanding of product application requirements for the safe use of products by applicators.

Response: DPR agrees.

Comment no. 3: WPH supports DPR and the California Department of Food and Agriculture's efforts to expand outreach and education related to pollinator health practices. WPH believes these types of steps will help increase pollinator health while assuring growers continue to utilize the full IPM toolbox to protect their crops from pests.

Response: DPR agrees.

- *James R. Cranney, Jr., California Citrus Quality Council*

Comment no. 4: The California citrus industry supports protection of bees from unreasonable risks from pesticide applications and generally supports DPR's efforts to amend the bee protection regulations to make them clearer and more organized.

Response: No response needed.

Comment no. 5: Our industry's ongoing concern regarding bloom regulations for bees is the critical need to make timely pesticide applications towards the end of bloom to control citrus thrips. Citrus thrips applications are usually made at a critical period, at the very end of bloom or immediately after bloom. Citrus thrips feed on the developing fruitlets causing fruit scarring that can severely damage the appearance of the fruit. This damage reduces the grade of packed fruit, thereby directly diminishing grower returns and income. In fact, when the damage is extensive, the fruit can be completely unmarketable. The California citrus industry is a willing partner with DPR in protecting bees. However, we request that CDPR take into account the needs of growers to make timely pesticide applications that can have a significant impact on their livelihood, as the agency considers various approaches in protecting bees.

Response: This rulemaking is intended to update and provide clarification to existing requirements, and add flexibility for timely notification of beekeepers using the modern tools of communication and information technology. While the changes may result in some applications having an additional noticing requirement, they do not limit when applications may occur.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts.

ALTERNATIVES DETERMINATION

The Director has determined that no alternative considered by DPR would be more effective in carrying out the purpose for which these regulations are proposed, or would be as effective and less burdensome to affected private persons or businesses than the adopted regulations, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. These regulations allow for use of modern technology, and align regulations with federal policy, federal pesticide product labeling, and state laws.

POSTING REQUIREMENT

3 CCR section 6110, states in part that, “The public report shall be posted on the official bulletin boards of the Department, and of each commissioner's office, and in each District office of the DPR [Division of Pest Management, Environmental Protection and Worker Safety] for 45 days.” DPR has posted its Initial Statement of Reasons and Public Report on its official bulletin board, which consists of the Department's Internet Home Page <<http://www.cdpr.ca.gov>>. In addition, copies were provided to the offices listed above for posting. Both documents incorporated by reference in this rulemaking were available upon request directly from the Department.