

TEXT OF PROPOSED REGULATION

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

DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS CHAPTER 2. PESTICIDES SUBCHAPTER 1. PESTICIDE REGISTRATION ARTICLE 1. GENERAL PROVISIONS

Amend section 6147 to read:

6147. Exempted Pesticide Products.

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

(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 ~~cedar wood~~cedarwood or natural cedar.

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

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 claimed to repel ticks. ~~The exemption also does not apply to, including cedar oil, or formulated products which containing cedar oil, other cedar extracts, or ground cedar wood as part of a mixture.~~

(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 oil³ (~~U.S.P. or equivalent~~)
Cedarwood Oil¹
Cinnamon
Cinnamon oil¹
Citric acid¹
Citronella⁴ (~~non-topical uses only~~)
Citronella oil⁴ (~~non-topical uses only~~)
Cloves²
Clove oil ^{1,2}
Corn gluten meal
Corn oil
Cornmint
Cornmint oil¹
Cottonseed oil
Dried blood
Eugenol ^{1,2}
Garlic
Garlic oil¹
Geraniol ²
Geranium oil ²
Lauryl sulfate¹
Lemongrass oil¹
Linseed oil
Malic acid¹
~~Mint~~
~~Mint oil~~¹
Peppermint ²
Peppermint oil ^{1,2}
~~2-Phenethyl propionate (2-phenylethyl propionate)~~ ¹
Potassium sorbate¹
Putrescent whole egg solids
Rosemary ²
Rosemary oil ^{1,2}
Sesame⁵ (~~includes ground sesame plant~~)
Sesame oil
Sodium chloride (~~common salt~~)
Sodium lauryl sulfate ^{1,2}
Soybean oil
Spearmint
Spearmint oil¹
Thyme²
Thyme oil ^{1,2}
White pepper ¹
Zinc⁶ ~~metal strips (consisting solely of zinc metal and impurities)~~

- 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)

(B) Topical use products containing less than or equal to 1% of the following active ingredients alone or in combination with each other, provided: 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 ~~most current List 4A "Inerts of Minimal Concern."~~ 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. U.S. EPA's list of minimal risk inert ingredients is updated periodically and is published in the Federal Register.

(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), and the name of e~~ 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: Section 11456, 12781, and 12803, Food and Agricultural Code.
Reference: Section 12803, Food and Agricultural Code.