

What is a pesticide?

Jolynn Mahmoudi-Haeri

Ombudsperson

Pesticide Registration Branch

Department of Pesticide Regulation

Outline

- Definition of a pesticide
- Regulatory authority of pesticides
- Products excluded from pesticide regulation
- How a product is determined to be a pesticide
 - Example: plant growth regulator
- Resources & contacts

Definition of a pesticide

Any substance, or mixture of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, as defined in Section 12754.5, which may infest or be detrimental to vegetation, man, animals, or households, or be present in any agricultural or nonagricultural environment whatsoever.

Spray adjuvants

California Food & Agricultural Code (FAC) § 12753

Title 3, California Code of Regulations (3CCR) § 6000

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) § 2(u)

Title 40, Code of Federal Regulations (40CFR) § 152.3

Definition of regulating plant growth

The use of any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof.

FAC § 12756

FIFRA § 2(v)

Who regulates pesticides?

Federal authority -

U.S. Environmental Protection Agency (U.S. EPA)

State authority -

California Department of Pesticide Regulation (DPR)

Before a pesticide can be registered (licensed) in California, it must be registered with the U.S. EPA

Products excluded from pesticide regulation

- Vitamin hormones - consisting of a mixture of plant hormones, plant nutrients, inoculants, or soil amendments
 - Not intended for use on food crop sites and labeled accordingly
 - Toxicity Category III or IV (Signal word “CAUTION” or none)

Products excluded from pesticide regulation

- Products intended to aid the growth of desirable plants:
 - Plant nutrients
 - consisting of one or more macronutrients or micronutrient trace elements necessary to normal growth of plants and in a form readily usable by plants
 - Plant inoculants
 - consisting of microorganisms to be applied to the plant or soil for the purpose of enhancing the availability or uptake of plant nutrients through the root system
 - Soil amendments
 - containing a substance or substances intended for the purpose of improving soil characteristics favorable for plant growth

40CFR § 152.6
FAC § 12756

Products that are not pesticides
because they are not for use against
pests

➤ Fertilizers

- Exception: if contains pesticide regulated by DPR and California Department of Food & Agriculture (CDFA)

How a product is determined to be a pesticide

- Claims
- Composition
- Intent

3CCR § 6145
40CFR § 152.15

How a product is determined to be a pesticide

➤ Claims

Does the product labeling (e.g., label, advertising, website) claim that the product can or should be used as a pesticide?

Plant growth regulator claims

- increased blossom set
- increases fruit size
- stimulates plant growth and fruiting
- stimulation of root or plant growth
- prevention of sucker growth
- delayed onset of sprouting of harvested root crops
- abscission stimulation of fruit crops
- promotes fruit and seed development
- increases stem and stalk strength

How a product is determined to be a pesticide

- Claims
- Composition

Is the product composed of one or more active ingredients that have no commercially valuable use other than for a pesticidal purpose?

Plant growth regulator composition

- Product contains auxins, cytokinins, and gibberellins
- No other uses except as plant growth regulators
- Therefore, the presence of any of these types of compounds generally causes a product to be considered a plant growth regulator

How a product is determined to be a pesticide

- Claims
- Composition
- Intent

Does the distributor intend for the product to be used for a pesticidal purpose?

How a product is determined to be a pesticide

➤ Intent

- Knowledge that product will be used as a pesticide
- Even if no pesticidal claims, the person who distributes or sells the substance has actual or constructive knowledge that the substances will be used, or is intended to be used, for a pesticidal purpose

3CCR § 6145

40CFR § 152.15

Pesticide Determination

If a product is determined to be a pesticide, the distributor can:

- Register
- Reformulate
- Remove claims

Resources

- U.S. EPA's Label Review Manual, Chapter 2

<https://www.epa.gov/pesticide-registration/label-review-manual>

- U.S. EPA's Pesticide Registration Manual

<https://www.epa.gov/pesticide-registration/pesticide-registration-manual>

- DPR's Guide for Pesticide Registrants

<https://www.cdpr.ca.gov/docs/registration/manual/guidance.pdf>

Contacts

- U.S. EPA Office of Pesticide Programs, Biopesticides and Pollution Prevention Division
 - Ombudsperson, BPPDQuestions@epa.gov
- California Department of Pesticide Regulation, Pesticide Registration Branch
 - 916-324-3545 Registration.Ombudsman@cdpr.ca.gov
- California Department of Food & Agriculture, Fertilizing Materials Inspection Program
 - 916-900-5022 fertilizer@cdfa.ca.gov



Thank you

Jolynn Mahmoudi-Haeri

Ombudsperson

916-324-3545

Registration.Ombudsman@cdpr.ca.gov