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July 6, 2026

Submitted Via Online Public Comment Form

Lauren Otani, Regulations Coordinator
California Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, California 95812-4015

RE: Pesticide Treated Seeds, DPR Regulation No. 26-001

Dear Ms. Otani:

In response to requests for comments regarding the California Department of Pesticide Regulation's (DPR) proposed regulations of pesticide-treated seeds the information provided in this letter reflects common viewpoints of the agricultural organizations (herein referred to as "organizations") that have signed below.

Pesticide-treated seeds are a critical component of integrated pest management programs and precision agriculture. By delivering targeted protection directly to seeds and seedlings, these treatments minimize pesticide exposure to humans and the environment compared to traditional application methods. Seed treatments shield seeds against soil-borne pests and diseases during the most vulnerable stage of a plant's development, while promoting germination and establishing strong, uniform plant stands that support higher yields and reduce the need for additional pesticide applications throughout the growing season.

Pesticide-treated seeds are compatible with the goals of DPR's Sustainable Pest Management (SPM) Roadmap and they are an essential tool for achieving these goals. Seed treatments exemplify the targeted, reduced-exposure approach that SPM envisions. They selectively protect against soil-borne pests and diseases, reduce the number of applications needed across a growing season, and protect beneficial insects. As the

overall pesticide toolbox available to California farmers continues to narrow, the importance of seed treatments to viable SPM programs will only grow.

Our comments are organized by the section of the proposed regulation to which they apply.

PART I: SECTION 6147 – EXEMPTED PESTICIDE PRODUCTS

We are supportive of DPR's treatment of pesticide-treated seeds as 25B products pursuant to Section 25(b)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This categorization is consistent with the federal approach, supports the current system of use and will not create unnecessary additional requirements.

We recognize DPR's authority to require that all pesticides used to treat seeds planted in California be registered with the Department. We also note that the ISOR confirms the proposed exemption is "self-executing," meaning that seeds treated with a pesticide already registered in California qualify for the exemption "without any further approval or decision from DPR" (ISOR, p. 7). The ISOR further states that "it is unnecessary to repeat the registration process for each seed treated with the same pesticide product" (ISOR, p. 7), and that "DPR has individually evaluated each pesticide-treated seed that is currently eligible for the proposed exemption by evaluating the treating pesticide through the registration process" (ISOR, p. 6). We support this approach and DPR's stated intention to not impose additional regulatory requirements for pesticides that are already registered in the state.

We concur with the Western Plant Health Association's (WPH) recommendation that pesticides already registered in California for some seed treatment uses, but requiring registration of additional uses, be prioritized for expedited review without further full evaluation by DPR. We similarly support WPH's recommendation that pesticides currently registered with DPR but lacking seed treatment language on the label be eligible for expedited registration for that use, unless DPR specifically identifies a need for additional review.

To avoid disruptions to planting and harvest schedules, we also support WPH's recommendation that registrants be given a six-month implementation period following regulation adoption to prepare and submit registration packets for pesticides currently used as seed treatments in other states but not yet registered in California. We further concur with WPH's recommendation that these pesticide-treated seeds be permitted to remain in use during a two-year review period or through December 31, 2029, whichever is later, so that DPR has adequate time to complete its review without negatively impacting farmers or disrupting food systems. This timeframe is consistent with the registration

process improvements DPR has been implementing and should be achievable given those ongoing efforts.

We concur with WPH's recommendation that indoor pesticide-seed treatment research and research conducted at private farm locations be exempt from research authorization requirements. We further support the position that research focused on seed selection in relation to a treatment, rather than on the pesticidal actions of the treatment itself, should be overseen and under the jurisdiction of the California Department of Food and Agriculture's Seed Division.

PART II: SECTION 6626.5 — PESTICIDE USE REPORTS FOR APPLICATIONS OF PESTICIDE-TREATED SEEDS

We appreciate DPR's revision of Section 6626.5 to replace "applied" and "application" with "planted" and "planting" throughout. This change accurately reflects the agronomic nature of treated seed use and will appropriately shape how treated seed data is characterized in DPR's reporting and analysis going forward.

We concur with WPH's recommendation to update the title of this section. Replacing "applications" with "planting" is appropriate, and more consistently aligned with the language now used throughout this portion of the proposed regulation.

The protection of proprietary farm-level information is a critical concern that we raised in our December 2025 comments. Seed variety selection, planting rates, and acreage information are competitively sensitive data that farmers have a legitimate interest in protecting. We recognize that DPR has existing systems and protocols in place to protect confidential pesticide use information, and we request that those frameworks apply here. We ask that DPR explicitly confirm that all individual pesticide-treated seed use reports submitted under Section 6626.5 will be held confidential and that any publicly released data will be aggregated or anonymized in a manner consistent with DPR's existing confidentiality practices.

Section 6626.5 (a)(6)

We appreciate the clarification provided in the Initial Statement of Reasons regarding Section 6626.5(a)(6), which requires reporting of the EPA or State registration number for each product used to treat the seed and the quantity applied by weight or amount per seed. As noted in the ISOR, AB 1042 (effective January 1, 2027) will require seed tags to include this quantity information, which should allow reporting entities to transfer data directly from the tag without independent calculation, addressing a significant concern raised in previous comments on the pre-rulemaking draft (ISOR, p. 4).

We further request that the quantity field under Section 6626.5(a)(6) not be required in situations where the seed label does not include that information, as may be the case for seeds packaged on or before December 31, 2026. Pesticide-related reporting under this section should be limited strictly to information available on the seed tag and should require no further calculation by the reporter.

Section 6626.5 (b)

California farmers already operate under significant regulatory requirements, and this regulation should provide meaningful flexibility in how reporting obligations are met. We appreciate that DPR has taken a step in this direction by allowing for reporting responsibility to be placed on a “pest control business” if it performs the planting, but most custom planters are not pest control businesses; they are agricultural service providers. Requiring a custom planter to obtain pest control business credentials solely for this purpose would impose unnecessary burden without advancing the data collection goals of this regulation.

We encourage that Section 6626.5(b) be amended to allow reporting by any third party identified by the grower, not only a pest control business. The farmer may designate as third party a custom planter, seed distribution or treatment business, or other business that the farmer chooses to plant pesticide-treated seed, if that third party also agrees.

We support WPH’s suggested modifications to this section, and repeat those here:

“If the planting of pesticide-treated seeds is performed by a third-party, the third-party entity may be responsible for providing the report to the Commissioner. The entity reporting planting information will be at the discretion of the farm and third-party entity.”

PART III: SECTION 6691 — PESTICIDE USE NEAR SCHOOLSITES

We support DPRs recommendation that pesticide treated seeds be exempt from the “pesticide around schools” regulations and restrictions. However, as stated in previous comments, we would appreciate understanding the datapoints DPR is using to justify the proposal that if pesticide-treated seeds are planted by aircraft, the ¼ mile restriction would apply. Further, we are concerned that certain crops, such as alfalfa, barley, and cover crops that require aerial planting because of either climatic conditions or the inability to access farmland by ground-based equipment will not be able to plant needed seeds within very sensitive timeframes. We ask that DPR provide greater clarity to assure in the regulation that farmers who plant treated seeds via aircraft due to challenging field conditions are exempt from the ¼ mile restriction.

PART IV: SECTION 6760 — EMPLOYER RESPONSIBILITY AND EXCEPTIONS

We support the addition of Section 6760 (f), exempting certain requirements related to the planting of pesticide treated seed and bringing much appreciated clarity to which requirements apply in this circumstance.

While this update removes Sections 6770 (Field Entry After Scheduled or Completed Pesticide Application), 6771 (Requirements for Early Entry Employees), 6772 (Restricted Entry Intervals), 6774 (Restricted Entry Interval Adjustments), and 6776 (Field Postings), there are remaining obligations DPR has not addressed. We encourage DPR to include the following in Section 6760 (f) as well: 6768 (Decontamination Facilities); 6762 (Field Work During Planting); 6723 & 6723.1 (Hazard Postings); and 6761 & 6761.1 (Central Location Posting).

We also encourage that Section 6760 (f) be amended, removing “If only pesticide-treated seeds planted below the surface of the soil have been applied in a field” and incorporating “If no pesticides have been applied to a field, other than those planted as pesticide-treated seeds,” in its place, also adding the sections referenced above as additional exempted requirements.

PART V: ENSURING CONSISTENCY WITH 2024 NEONICOTINOID REGULATIONS

CDFA's Office of Pesticide Consultation and Analysis (OPCA) raised a question in its April 2026 economic analysis of this regulation¹ related to whether the planting of neonicotinoid treated seeds will count toward cumulative annual per-acre poundage limits established by California's 2024 neonicotinoid regulations (3 CCR §§ 6990–6990.16). This question is not addressed anywhere in the proposed regulation, the ISOR, or the regulatory notice, yet it has direct consequences for growers managing neonicotinoid use across a growing season.

We note that the ISOR for the 2024 neonicotinoid rulemaking² stated explicitly that "seed treatment applications result in low neonicotinoid residues in pollen and nectar and thus pose a low risk to honey bees; DPR concurred with this assessment in its Risk Determination. Therefore, seed treatment applications are not part of this rulemaking" (DPR-22-001 ISOR, p. 4).

¹ Lee, B., & Mace, K. (2026, April 7). *Economic analysis of proposed changes to regulations on pesticide treated seeds*. California Department of Food and Agriculture, Office of Pesticide Consultation and Analysis. https://www.cdfa.ca.gov/oars/opca/docs/Economic_Impact_Analysis_for_Proposed_Regulation_of_Treated_Seeds.pdf

² California Department of Pesticide Regulation. (2022). *Initial statement of reasons and public report: Neonicotinoid pesticides* (DPR Regulation No. 22-001). https://www.cdpr.ca.gov/wp-content/uploads/2024/10/22-001_dpr_oal_isor_neonics.pdf

DPR's own published guidance on the 2024 neonicotinoid regulations similarly confirms that those regulations do not apply to seed treatment applications³. We ask that DPR restate this position in the context of this rulemaking, confirming that the planting of neonicotinoid -treated seeds does not constitute a pesticide application that counts toward annual per-acre poundage limits under 3 CCR §§ 6990–6990.16, and that this clarification be carried forward into all subsequent iterations of this regulation and any accompanying implementation guidance.

PART VI: ECONOMIC ANALYSIS

We appreciate that DPR consulted with CDFA's Office of Pesticide Consultation and Analysis (OPCA) to evaluate the economic impact of this regulation, as required by FAC Section 11454.2.⁴

The OPCA report itself acknowledges that its cost estimates capture "only a fraction of the potential total costs" of the proposed regulations, and the economic analysis submitted with the rulemaking package significantly understates the true compliance burden on California farmers and agricultural businesses. DPR's Economic and Fiscal Impact Statement (Std. 399) estimates total five-year costs of \$343,107. This is a figure derived solely from reporting training costs, while listing \$0 in annual reporting compliance costs, a figure that is not credible given that thousands of growers may need to learn how to use an entirely new reporting system, and it fails to account for several significant cost categories that remain unresolved.

Among the most pressing unanswered questions: Will custom planting contractors need to obtain a Pest Control Business license to plant treated seeds? Will growers who plant their own seed face the same licensing requirement? What new training will be required, and who bears that cost?

The OPCA report flagged all of these as potential cost drivers, yet none were incorporated into DPR's formal economic analysis.

We request that DPR coordinate with OPCA to conduct an updated economic analysis based on the final regulation text before it is submitted to OAL, and that DPR commit to resolving all outstanding compliance questions identified in the current OPCA report

³ California Department of Pesticide Regulation. (2023, July 27). *New regulations limiting neonicotinoid product use on food and feed crops* (ENF 23-09). <https://www.cdpr.ca.gov/cac-letter/new-regulations-limiting-neonicotinoid-product-use-on-food-and-feed-crops/>

⁴ Lee, B., & Mace, K. (2026, April 7). *Economic analysis of proposed changes to regulations on pesticide treated seeds*. California Department of Food and Agriculture, Office of Pesticide Consultation and Analysis. https://www.cdfa.ca.gov/oars/opca/docs/Economic_Impact_Analysis_for_Proposed_Regulation_of_Treated_Seeds.pdf

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before the regulation takes effect. Farmers and agricultural businesses should have a clear and accurate understanding of their obligations, and the costs of compliance, prior to implementation.

CONCLUSION

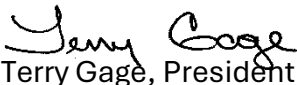
Pesticide-treated seeds are essential to integrated pest management, delivering targeted protection directly to seeds and seedlings while minimizing pesticide exposure to humans and the environment. These treatments exemplify precision agriculture by providing defense against soil-borne pests and diseases during critical early development stages, promoting germination, and establishing uniform plant stands that support higher yields.

Thank you for your consideration of our comments, we look forward to your response. Please contact us if you have any questions.

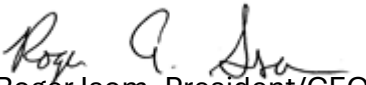
Sincerely,



Shirley Rowe, President
African American Farmers of California



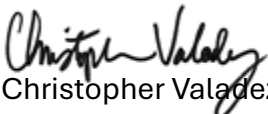
Terry Gage, President
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