

CACASA (Lindsey Carter)

Dear Director Morrison:

Thank you for the opportunity to comment on the Department's proposed amendments to Title 3 of the California Code of Regulations. As drafted, the proposal would revise existing regulations and interpretations to classify pesticide-treated seeds as pesticides.

While we understand that the primary purpose of this proposal is to require pesticide use reporting when pesticide-treated seeds are planted, the designation of treated seed as a pesticide creates broader regulatory implications that appear to extend beyond the stated intent of the rulemaking. Specifically, this classification may unintentionally trigger additional pesticide regulatory requirements that have not been fully evaluated or addressed during the development of this proposal.

These unintended consequences would increase enforcement responsibilities for County Agricultural Commissioners, impose additional regulatory burdens on California growers, and create new licensing requirements for businesses engaged in planting agricultural commodities and selling agricultural seed. For example, businesses selling treated seed could become subject to Pest Control Dealer licensing requirements, while businesses that plant treated seed could potentially be required to obtain Pest Control Business licenses.

We appreciate the Department's efforts to engage stakeholders through the informal public workshop held in October 2025 and to consider potential impacts during the development of these regulations. We are encouraged that several concerns associated with the classification of pesticide-treated seeds as pesticides have been addressed through the proposed exemptions in Section 3 CCR 6760. However, additional exemptions are necessary to ensure the regulations remain aligned with their intended purpose and do not impose unnecessary requirements on growers, seed dealers, and agricultural service providers.

Consistent with the stated intent of this regulatory proposal and the exemptions already proposed in Section 3 CCR 6760, CACASA recommends the following additions:

a) Exempt applications of pesticide-treated seed planted below the soil surface from Sections 3 CCR 6761.1 (Application-Specific Information for Fieldworkers) and 3 CCR 6723.1 (Application-Specific Information for Handlers).

This exemption would be consistent with the proposed exemption in Section 3 CCR 6760. These provisions are intended to provide workers entering or working in treated fields with information regarding pesticide exposure risks. When pesticide-treated seed is planted below the soil surface, the potential for worker contact and exposure is significantly reduced. Accordingly, an exemption from these notification requirements would reflect the same risk-based rationale underlying the proposed exemptions in Section 3 CCR 6760.

b) Add a new exemption for pesticide-treated seed in Section 3 CCR 6686(d).

This exemption should apply to pesticide-treated seed for the pesticide storage, container labeling, posting, and storage requirements contained in the following sections:

- 3 CCR 6670 – General Requirements
- 3 CCR 6672 – Security of Pesticides and Pesticide Containers
- 3 CCR 6674 – Posting of Pesticide Storage Areas
- 3 CCR 6676 – Container Requirements

- 3 CCR 6678 – Service Container Labeling
- 3 CCR 6684 – Rinse and Drain Procedures

Such an exemption would recognize the unique nature of pesticide-treated seed, the way they are packaged and handled, and the comparatively low risk it presents relative to conventional pesticide products. It would also prevent growers from incurring unnecessary costs associated with modifying existing storage facilities or constructing new storage areas solely to accommodate treated seed.

c) Exempt agricultural planting operations and seed sellers from certain licensing requirements.

Operators and businesses that do not advertise, solicit, or perform pest control services for hire, but that plant agricultural commodities for hire—including pesticide-treated seed—should be exempt from the requirement to obtain a Pest Control Business License.

Similarly, seed dealers that sell treated seed should be exempt from registration and licensing requirements applicable to Pest Control Dealers. These exemptions would be consistent with the principles reflected in Food and Agricultural Code Section 11531, including subsection (d), which exempts seed treatment activities that are incidental to seed business.

Businesses that sell agricultural seed, including treated seed, but do not sell other pesticide products should not be subject to Pest Control Dealer licensing requirements. Such businesses do not engage in the types of pesticide sales, distribution, or handling activities that the Pest Control Dealer regulatory framework was designed to address.

Likewise, it is unlikely that any business exists solely to plant pesticide-treated seed. Rather, agricultural planting contractors typically plant a variety of crops and seed types, with treated seed representing only an occasional component of their services. Requiring these businesses to obtain Pest Control Business licenses would impose regulatory obligations disproportionate to the limited and incidental nature of their interaction with treated seed.

The recommended exemptions would help ensure that the regulations remain focused on their intended purpose—pesticide use reporting—while minimizing the unintended application of broader pesticide regulatory requirements to pesticide-treated seed.

Thank you for your consideration of these recommendations.

Sincerely,

Chris de Nijs
President, CACASA

California Agricultural Commissioners and Sealers Association



June 29, 2026

Director Karen Morrison
California Department of Pesticide Regulation
1001 I Street
Sacramento, CA 95814

Proposed Pesticide-Treated Seed Regulation

Dear Director Morrison:

Thank you for the opportunity to comment on the Department's proposed amendments to Title 3 of the California Code of Regulations. As drafted, the proposal would revise existing regulations and interpretations to classify pesticide-treated seeds as pesticides.

While we understand that the primary purpose of this proposal is to require pesticide use reporting when pesticide-treated seeds are planted, the designation of treated seed as a pesticide creates broader regulatory implications that appear to extend beyond the stated intent of the rulemaking. Specifically, this classification may unintentionally trigger additional pesticide regulatory requirements that have not been fully evaluated or addressed during the development of this proposal.

These unintended consequences would increase enforcement responsibilities for County Agricultural Commissioners, impose additional regulatory burdens on California growers, and create new licensing requirements for businesses engaged in planting agricultural commodities and selling agricultural seed. For example, businesses selling treated seed could become subject to Pest Control Dealer licensing requirements, while businesses that plant treated seed could potentially be required to obtain Pest Control Business licenses.

We appreciate the Department's efforts to engage stakeholders through the informal public workshop held in October 2025 and to consider potential impacts during the development of these regulations. We are encouraged that several concerns associated with the classification of pesticide-treated seeds as pesticides have been addressed through the proposed exemptions in Section 3 CCR 6760. However, additional exemptions are necessary to ensure the regulations remain aligned with their intended purpose and do not impose unnecessary requirements on growers, seed dealers, and agricultural service providers.

Consistent with the stated intent of this regulatory proposal and the exemptions already proposed in Section 3 CCR 6760, CACASA recommends the following additions:

- a) Exempt applications of pesticide-treated seed planted below the soil surface from Sections 3 CCR 6761.1 (Application-Specific Information for

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Nevada County
Agricultural Commissioner/
Sealer of Weights & Measures

Marcie Skelton, President-Elect
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Kamal Bagri, Vice President
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Kurt Floren, Vice President
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Los Angeles County
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Ed King, Treasurer
Solano County
Agricultural Commissioner/
Sealer of Weights & Measures

Jesse Fowler, Secretary
Calaveras County
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Sealer of Weights & Measures

Melissa Cregan, Past President
Fresno County
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Fieldworkers) and 3 CCR 6723.1 (Application-Specific Information for Handlers).

This exemption would be consistent with the proposed exemption in Section 3 CCR 6760. These provisions are intended to provide workers entering or working in treated fields with information regarding pesticide exposure risks. When pesticide-treated seed is planted below the soil surface, the potential for worker contact and exposure is significantly reduced. Accordingly, an exemption from these notification requirements would reflect the same risk-based rationale underlying the proposed exemptions in Section 3 CCR 6760.

b) Add a new exemption for pesticide-treated seed in Section 3 CCR 6686(d).

This exemption should apply to pesticide-treated seed for the pesticide storage, container labeling, posting, and storage requirements contained in the following sections:

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Such an exemption would recognize the unique nature of pesticide-treated seed, the way they are packaged and handled, and the comparatively low risk it presents relative to conventional pesticide products. It would also prevent growers from incurring unnecessary costs associated with modifying existing storage facilities or constructing new storage areas solely to accommodate treated seed.

c) Exempt agricultural planting operations and seed sellers from certain licensing requirements.

Operators and businesses that do not advertise, solicit, or perform pest control services for hire, but that plant agricultural commodities for hire—including pesticide-treated seed—should be exempt from the requirement to obtain a Pest Control Business License.

Similarly, seed dealers that sell treated seed should be exempt from registration and licensing requirements applicable to Pest Control Dealers. These exemptions would be consistent with the principles reflected in Food and Agricultural Code Section 11531, including subsection (d), which exempts seed treatment activities that are incidental to seed business.

Businesses that sell agricultural seed, including treated seed, but do not sell other pesticide products should not be subject to Pest Control Dealer licensing requirements. Such businesses do not engage in the types of pesticide sales, distribution, or handling activities that the Pest Control Dealer regulatory framework was designed to address.

Likewise, it is unlikely that any business exists solely to plant pesticide-treated seed. Rather, agricultural planting contractors typically plant a variety of crops and seed types, with treated seed representing only an occasional component of their services. Requiring these businesses to obtain Pest Control Business licenses would impose regulatory obligations disproportionate to the limited and incidental nature of their interaction with treated seed.

California Agricultural Commissioners and Sealers Association



The recommended exemptions would help ensure that the regulations remain focused on their intended purpose—pesticide use reporting—while minimizing the unintended application of broader pesticide regulatory requirements to pesticide-treated seed.

Thank you for your consideration of these recommendations.

Sincerely,

A handwritten signature in blue ink, which appears to read "Chris de Nijs".

Chris de Nijs
President, CACASA